

## Washington, Thursday, August 31, 1944

## The President

## **EXECUTIVE ORDER 9472**

Establishing Certain Awards For the Merchant Marine

By virtue of the authority vested in me as President and as Commander in Chief of the Army and Navy of the United States, it is hereby ordered as follows:

- 1. (a) The Administrator of the War Shipping Administration, hereinafter referred to as the Administrator, is hereby authorized to issue a citation as public evidence of deserved honor and distinction to any United States ship or to any foreign ship operated by or for the account of the United States Maritime Commission or the War Shipping Administration which, subsequent to September 8, 1939, or during the present war has served or shall serve in outstanding action against attack or in gallant action in marine disasters or other emergencies at sea.
- (b) The Administrator shall award a plaque to any ship so cited; and a replica of such plaque shall be preserved, under such regulations as the Administrator may prescribe, as a permanent historical record.
- (c) The Administrator shall also award an appropriate citation ribbon bar to the master and each person serving on board such ship at the time of the action for which citation is made, as public evidence of such honor and distinction: Provided, That whenever such master or person would be entitled hereunder to the award of an additional citation ribbon, a suitable device shall be awarded, in lieu thereof, to be attached to the ribbon originally awarded.

2. (a) There is hereby established the Merchant Marine Meritorious Service Medal, with accompanying ribbon and appurtenances, for award by the Administrator, under such regulations as he shall prescribe, to any master, officer, or member of the crew of any United States ship, or any foreign ship operated by or for the account of the United States Maritime Commission or the War Shipping Administration who, subsequent to September 8, 1939, or during the present war has been or shall be officially com-

Commended by the Administrator for conduct or service of a meritorious character but not of such an outstanding character as would warrant an award of the Merchant Marine Distinguished Service Medal established pursuant to the act of April 11, 1942, ch. 241, 56 Stat. 217.

(b) No more than one Merchant Marine Meritorious Service Medal shall be awarded to any one person, but for each succeeding commendation justifying such an award a suitable device may be awarded to be worn with the medal and ribbon.

3? The Administrator is hereby authorized, until two years after the termination of the present war, to provide and issue, under such regulations as he may prescribe, a distinctive service ribbon bar to each master, officer, or member of the crew of any United States ship who shall have served at any time during the period beginning September 8, 1939, and ending December 6, 1941.

4. In case any person who is entitled to an award under this order dies before the award can be made to him, the award may be made to such representative of the deceased as the Administrator may deem proper.

5. The design of the plaque, medal, and ribbons herein authorized, shall not duplicate the design of any medals or ribbons awarded by the War or Navy Department.

6. The Administrator may delegate his authority hereunder and issue such other regulations as may be appropriate to carry out the provisions of this order.

#### FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 29, 1944.

[F. R. Doc. 44-13133; Filed, August 29, 1944; 2:38 p. m.]

## EXECUTIVE ORDER 9473

AUTHORIZING THE SECRETARY OF WAR TO TAKE POSSESSION OF AND OPERATE THE PLANTS AND FACILITIES OF THE INTERNATIONAL NICKEL COMPANY, INC., LO-CATED IN AND AROUND HUNTINGTON, WEST VIRGINIA

WHEREAS after investigation I find and proclaim that the plants and facili-(Continued on next page)

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Book 1: Titles 1-3 (Presidential documents) with tables and index. Book 2: Titles 4-9, with index. Book 3: Titles 10-17, with index. Book 4: Titles 18-25, with index. Book 5, Part 1: Title 26, Parts 2-178. Book 5, Part 2: Title 26, completed; Title 27; with index. Book 6: Titles 28-32, with index.

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ties of The International Nickel Company, Inc., located in and around Huntington, West Virginia, are equipped for the manufacture and production of articles and materials that are required for the war effort, or that are useful in connection therewith; that there are existing interruptions of the operation of said plants and facilities as a result of labor disturbances; that the war effort will be unduly impeded or delayed by these interruptions; and that the exercise, as hereinafter specified, of the powers vested in me is necessary to insure, in the interests of the war effort, the operation of these plants and facili-

NOW. THEREFORE, by virtue of the power and authority vested in me by the Constitution and laws of the United States, including Section 9 of the Selective Training and Service Act of 1940, as amended, as President of the United States and Commander in Chief of the Army and Navy of the United States, it is hereby directed as follows:

1. The Secretary of War is hereby authorized and directed, through and with the aid of any persons or instrumentalities that he may designate, to take possession of the plants and facilities of The International Nickel Company, Inc., located in and around Huntington, West Virginia, and to the extent that he may deem necessary, of any real or personal property, and other assets wherever situated, used in connection with the operation thereof; to operate or to arrange for the operation of the plants and facilities in any manner that he deems necessary for the successful prosecution of the war; to exercise any contractual or other rights of the said company, and to continue the employment of, or to employ, any persons, and to do any other thing that he may deem necessary for, or incidental to, the operation of the said plants and facilities and the production, sale and distribution of the products thereof; and to take any other steps that he deems necessary to carry out the provisions and purposes of this order.

2. The Secretary of War shall operate the said plants and facilities under the terms and conditions of employment which are in effect at the time that possession thereof is taken, subject to the provisions of Section 5 of the War Labor

Disputes Act.

3. The Secrètary of War shall permit the management of said plants and facilities to continue with its managerial functions to the maximum degree possible, consistent with the aims of this order.

4. All federal agencies, including but not limited to the War Manpower Commission, the National Selective Service System, the Department of Justice, and the Office of Price Administration, are directed to cooperate with the Secretary of War to the fullest extent possible in carrying out the purposes of this order.

5. The Secretary of War is authorized to take such action, if any, as he may deem necessary or desirable to provide protection for said plants and facilities and all persons employed or seeking employment therein, and their families and homes.

6. Posesssion, control and operation of any plant or facility, or part thereof, taken under this order shall be terminated by the Secretary of War within sixty days after he determines that the productive efficiency of said plant, facility or part thereof prevailing prior to the interruptions of production, referred to in the recitals of this order, has been restored.

FRANKLIN D ROOSEVELT

THE WHITE House, August 29, 1944.

[F. R. Doc. 44-13183; Filed, August 30, 1944; 11:17 a. m.]

## Regulations

## TITLE 7-AGRICULTURE

Chapter I—War Food Administration (Standards, Inspections, Marketing Practices)

Subchapter D—Warehouse Regulations PART 101—COTTON WAREHOUSES

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of the United States Warehouse Act approved August 11, 1916, as amended (39 Stat. 486–491, 41 Stat. 266, 42 Stat. 1282, 46 Stat. 1463; 7 U.S.C. 241–273), and by virtue of the authority vested in the War Food

Administrator by Executive Orders of the President, the regulations for cotton warehouses, as amended, and as they now appear in Title 7, Chapter I, Subchapter D, Part 101, of the Code of Federal Regulations, and the Cumulative Supplement thereto, are hereby amended as follows:

§ 101.16 Form. \* \* \*

(b) Except as to warehouse receipts issued on or before August 30, 1944, or when an expiration date authorized by the Department is shown on the face of the receipt, every negotiable receipt issued for cotton stored in a licensed warehouse shall be effective until surrendered for delivery of the cotton, and every nonnegotiable receipt shall be effective until surrendered for delivery of the cotton or until all cotton covered by the receipt has been delivered in response to proper delivery orders of the person rightfully entitled to the cotton: Provided, That nothing herein contained shall prohibit a warehouseman from legally selling the cotton when his accrued storage and other charges approach the current market value of the cotton (Reg. 4, sec. 1, par. 2).

§ 101.21 Return of receipts before delivery of cotton. -Except as permitted by law or by these regulations, a warehouseman shall not deliver cotton for which he has issued a negotiable receipt under the act until such receipt has been returned to him and canceled; and shall not deliver cotton for which he has issued a nonnegotiable receipt until such receipt has been returned to him or he has obtained from the person lawfully entitled to such delivery or his authorized agent a written delivery order, properly signed, specifying by bale or tag number each bale to be delivered from any receipt or receipts. Before delivering, or upon delivery of, all the cotton covered by a nonnegotiable warehouse receipt, the warehouseman may require the surrender of the receipt. For the purpose of these regulations, return of a receipt to a warehouseman means surrender of the receipt to the warehouseman at his office in the city or town in which the cotton is stored (Reg. 4, sec. 6).

§ 101.29 Warehouse charges. censed warehouseman shall not make any unreasonable, exorbitant or discriminatory charge for services rendered. Before a license to conduct a warehouse is granted under the act, the warehouseman shall file with the Department a copy of his rules, if any, and a schedule of the charges to be made by him if licensed. Effective at the beginning of any cotton season, a licensed warehouseman may change his rate of charges for storage and other services, and the new rates may apply to all cotton then in storage as well as cotton received thereafter. At or before the beginning of each season every licensed warehouseman shall file with the Department a copy of his rules, if any, and of his schedule of charges for the ensuing year. Should a licensed warehouseman wish to make changes in his rates to become effective at any time other than at the beginning of a season, he shall file with

the Department an amended schedule showing the contemplated changes, accompanied by a statement, if requested by the Department, setting forth the reasons therefor. No increase shown in such an amended schedule shall apply to cotton in storage at the time the changes become effective, except that any change made under authority of any Federal price control legislation may apply to cotton already in storage: Provided, however. That no increase made under such authority shall apply to cotton then in storage unless notice that such increase might be made has been entered in the face of the warehouse receipt. A licensed warehouseman may demand payment of all accrued charges at the close of each cotton season. If, upon demand, the owner of the cotton refuses to pay such charges at the end of a season, the warehouseman may take such action to enforce collection of his charges as is permitted by the laws of the state in which the warehouse is located. Each licensed warehouseman shall keep a copy of his current rules and schedule of charges exposed conspicuously in the place prescribed by § 101.6 (Reg. 2, sec. 4), and at such other place accessible to the public as the Secretary or his designated representative may from time to time designate. (Reg. 5, sec. 7.) For the purposes of this regulation the cotton season shall commence on August 1 of each year and end on July 31 of the following year.

The foregoing amendments shall become effective at 12:01 a.m., e. w. t., August 30, 1944.

(39 Stat. 486-491, 41 Stat. 266, 42 Stat. 1282, 46 Stat. 1463; 7 U.S.C. 241-273; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 29th day of August 1944.

ASHLEY SELLERS, Assistant Administrator.

[F. R. Doc. 44-13184; Filed, August 80, 1844; 11:16 a. m.]

Chapter VIII—War Food Administration (Sugar Regulations)

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF WAGE RATES FOR HARVESTO ING SUGARCANE IN LOUISIANA

Determination of fair and reasonable wage rates for persons employed in the harvesting of sugarcane in Louisiana during the period September 1, 1944, to June 30, 1945.

Pursuant to section 301 (b) of the Sugar Act of 1937, as amended, and Executive Order No. 9322, issued March 26, 1943, as amended by Executive Order No. 9334, issued April 19, 1943, and Executive Order No. 9392, issued October 28, 1943, the following determination is hereby issued:

§ 802.24q Fair and reasonable wage rates for persons employed in the harvesting of sugarcane in Louisiana during the period September 1, 1944 to June 30, 1945. The requirements of section 301

(b) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to the harvesting of sugarcane in Louisiana during the period from September 1, 1944, to June 30, 1945, if all persons employed on the farm during that period in the harvesting of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates not less than the following.

(a) Time rates for adult males and adult females.

	Per day of 9 hours	when work- ing day is longer or shorter than 9 hours
(1) Cutting, topping, stripping: (i) Adult males. (ii) Adult females. (ii) Adult females. (2) Loading. (3) Cutting and loading. (4) Tractor drivers and truck drivers. (5) Teamsters. (6) Hoist operators. (7) Any other harvesting operations not connected with mechanical loading or mechanical harvesting: (i) Adult males. (ii) Adult females. Operations connected with mechanical loading or mechanical harvesting: (8) Operators of mechanical loading or harvesting equipment. (9) Grabmen, spotters, ropemen.	\$2.70 2.20 3.25 2.50 3.40 3.20 2.90 1.85	Cents 30.0 25.0 37.0 33.0 36.0 36.0 37.0 41.0
(10) Pilers(11) Scrappers(12) Other operations connected with mechanical loading or mechanical harvesting	2.70 2.70	33.0 30.0 30.0

(b) Time rates for harvesting operations performed by children. (1) For children between the ages of 14 and 16 years, the rate per day of 8 hours (maximum hours per day for such children) shall be not less than three-fourths of the rates established under paragraph (a) for adult male workers for a 9-hour day. For a working day shorter than 8 hours, the rate shall be in proportion.

(c) Piece rates for adult males, adult females, or children 14 to 16 years.

0	Rate per ton –		
For the following operations	Large barrel varieties such as C. O. 290; C. P. 29-103; C. P. 29-116; 31-291; 160; 103; 33-243	• Small barrel varieties	
(1) Cutting top and bottom and stripping (2) Cutting top and bottom (3) Loading (4) (1) and (3) combined (6) (2) and (3) combined	\$1.17 .91 .28 1.45 1.19	\$4.35 1.00 .37 1.72 1.37	

(6) The piece rate for a particular operation calculated on a basis other than prescribed under subparagraphs (1) or (2) of this paragraph (e) shall be such as to provide earnings per day, or per hour, of not less than the per day or per hour rates specified under paragraphs (a) or (b) above, whichever is applicable: Provided, however, That minimum earnings per hour or per day shall not apply to prisoners of war but they shall be paid at the same piece rate as other laborers.

(d) General provisions. (1) Nothing in this determination shall be construed to mean that a producer may qualify for a payment under the Act who has not paid in full the amount agreed upon between the producer and laborer;

(2) The producer shall furnish to the laborer without charge the customary perquisites, such as a habitable house, medical attention, and other customary incidentals;

(3) The producer shall not, through any subterfuge or device whatsoever, reduce the wage rates to laborers below those determined herein.

(Sec. 301, 50 Stat. 909; 7 U.S.C. 1131; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 29th day of August 1944.

ASHLEY SELLERS, Assistant War Food Administrator.

[F. R. Doc. 44-13186; Filed, Augut 30, 1944; 11:16 a. m.]

Chapter XI-War Food Administration (Distribution Orders)

[WFO 79-108, Amdt. 2]

PART 1401-DAIRY FRODUCTS

FLUID MILK AND CREAM IN COLUMBUS, GA., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-108 (9 F.R. 142, 9 F.R. 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Columbus, Georgia, milk sales area, is hereby further amended, so as to read as follows:

§ 1401.146 Quota restrictions — (a) Definitions. (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

(2) The term "WFO 79" means War Food Order No. 79, dated September 7,

1943, as amended.
(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who (i) receives in a previously packaged and processed form milk, cream, or milk byproducts for delivery, and (ii) does not operate facilities for the processing and bottling of milk.

(4) The term "industrial user" means a person, as determined by the market agent, in his capacity as a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of primarily for resale to consumers off the premises where made.

(5) The term "base" means the total pounds delivered by a handler within the sales area during the base period (i) of milk solids in milk, (ii) of butterfat in cream, or (iii) of milk solids in milk byproducts, minus the quota exempt deliveries described in (j) hereof, and then divided by the number, of days in the base period. (For the purpose of this order, the milk solids content of milk or milk byproducts shall be computed as follows: Each hundredweight of milk, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of solids calculated by multiplying the pounds of butterfat content of such milk or milk byproducts by .906, and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 65.63 pounds of milk solids minus .953 pounds of milk solids for each one-half percent

of butterfat content of such cheese.)
(b) Milk sales area. The following area is designated as a "milk sales area" to be known as the Columbus, Georgia, milk sales area, and is referred to hereinafter as the "sales area":

The city of Columbus, Georgia, and the county of Muscogee in the State of Georgia, and Phenix City located in Russell County in the State of Alabama.

(c) Base period. The calendar month of June 1943 is designated the base period.

(d) Quota period. Each calendar month is designated as a quota period.

(e) Handler quotas. Quotas for each handler other than a sub-handler or producer-handler shall be determined for each quota period as follows:

(1) For milk, multiply his base of milk

solids in milk by 100 percent;
(2) For cream, multiply his base of butterfat in cream by 75 percent;

(3) For, milk byproducts, multiply his base of milk solids in milk byproducts by 100 percent; and

(4) Multiply each of the foregoing results by the number of days in the quota

period.

(f) Quotas for handlers who are also producers. Quotas for each handler who is also a producer and who pur-chases no milk shall be computed in accordance with (e) hereof, except:
(1) His base period shall be either

June or December, 1943, whichever represents his larger total deliveries: and

(2) The applicable percentages shall be 100 percent in lieu of those specified

in (e).

(g) Quota adjustments. Each handler may, within any quota period, (1) increase his quota of milk solids in milk by one pound for each one pound of milk solids by which he decreases his quota for milk byproducts: Provided, That his quota of milk solids in milk shall not be so increased by more than 3 percent, and (2) increase his quota of milk solids in milk byproducts by one pound for each one pound of milk solids by which he decreases his quota for milk.

(h) Handler exemptions. Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 125 units of milk, cream, and milk byproducts, unless more than 63 units of such daily average shall consist of cream. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk. buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) onehalf pound of cottage, pot, or baker's

(i) Transfers of bases. The market agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from each handler involved; or

(2) Upon application and after written notice to the Director and each handler involved, whenever (i) a handler has denied service to an existing account; (ii) an account customarily rotates among handlers, inclusive of any account with a public agency or institution which is let on a bid basis; (iii) a sub-handler regularly making 50 percent or more of his deliveries under his own brand or trade name submits an application; or (iv) a sub-handler applies in order to consummate a bona fide sale of business: Provided, That any ruling by a market agent under this authority may be reviewed by the Director upon petition, or upon the initiative - of the Director.

(j) Quota exclusions and exemptions. Deliveries of milk, cream, or milk byproducts, (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream, or other dairy products, from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of WFO 79. shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) Consumer priorities. In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

- (1) Petition for relief from hardship. (1) Any person affected by WFO 79 or the provisions hereof, who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address, and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, the hardship involved, and the nature of the relief desired.
- (2) Upon receiving such petition the market agent shall immediately investigate the representations and facts stated therein.
- (3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.
- (4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(m) Reports. Each handler shall transmit to the market agent on forms prescribed by the market agent the fol-

lowing reports:
(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas:

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish the volume of deliveries of milk, cream, and milk byproducts, under the provisions of this order, during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(n) Records. Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas.

(o) Violations. The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(p) Effective date. This order shall take effect at 12:01 a.m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79-103, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-103, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

Note: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and recordkeeping requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of

Œ.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4321, 4319)

Issued this 28th day of August 1944.

C. W. KITCHEN, Acting Director of Distribution.

[F. R. Doc. 44-13128; Filed, August 29, 1844; 12:32 p. m.]

[WFO 79-109, Amdt. 1]

PART 1401-DAIRY PRODUCTS

FLUID LYLK AND CREAM IN BIRLYINGHAM, ALA., METROFOLITAN SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-109 (9 F.R. 143, 9 F.R. 4321, 4319), as amended, relative to the conservation and distribution of fluid mill:, milk byproducts, and cream in the Birmingham, Alabama, metropolitan milk sales area, is hereby further amended, so as to read as follows:

§ 1401.142 Quota restrictions—(a) Definitions. (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.
(2) The term "WFO 79" means War

Food Order No. 79, dated September 7,

1943, as amended.
(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who (i) receives in a previously packaged and processed form milk, cream, or milk byproducts for delivery, and (ii) does not operate facilities for the processing and bottling of milk.

(4) The term "industrial user" means a person, as determined by the market agent, in his capacity as a manufacturer of products using as an ingr. lient therein milk, cream, or milk byproducts, which products are disposed of primarily for resale to consumers off the premises

where made.

(5) The term "base" means the total pounds delivered by a handler within the sales area during the base period (i) of milk solids in milk, (ii) of butterfat in cream, or (iii) of milk solids in milk byproducts, minus the quota exempt deliveries described in (j) hereof, and then divided by the number of days in the base period. (For the purpose of this order, the milk solids content of milk or milk byproducts shall be computed as follows: Each hundredweight of milk, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of solids calculated by multiplying the pounds of butterfat content of such mill or milk byproducts by .906, and each hundredweight of cottage, pot, of baker's cheese shall be considered the equivalent of 65.63 pounds of milk solids minus .953 pounds of milk solids for each one-half percent of butterfat content of such cheese.)

(b) Milk sales area. The following area is designated as a "milk sales area" to be known as the Birmingham, Alabama, metropolitan milk sales area, and is referred to hereinafter as the "sales area":

The city of Birmingham and the territory within the following boundaries and located within Jeffercon and Shelby counties, Alabama: Beginning at a point nine (9) miles due north of the northeast corner of the Jeffercon County Courthouse, Birmingham diviclon, thence running due west for fifteen (15) miles, thence running due south for eighteen (18) miles, thence running due east for twenty-eight (23) miles, thence running due north for eighteen (18) miles, thence run-ning due west for thirteen (13) miles to the point of beginning.

(c) Base period. The calendar month of June 1943 is designated the base period.

(d) Quota period. Each calendar month is designated as a quota period.

(e) Handler quotas. Quotas for each handler other than a sub-handler or producer-handler shall be determined for each quota period as follows:

(1) For milk, multiply his base of milk solids in milk by 100 percent;

(2) For cream, multiply his base of butterfat in cream by 75 percent;

(3) For milk byproducts, multiply his base of milk solids in milk byproducts by 100 percent; and

(4) Multiply each of the foregoing results by the number of days in the

quota period.

(f) Quotas for handlers who are also producers. Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof except:

(1) His base period shall be either June or December, 1943, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified

in (e).

- (g) Quota adjustments. Each handler may, within any quota period, (1) increase his quota of milk solids in milk by one pound for each one pound of milk solids by which he decreases his quota for milk byproducts, Provided, That his quota of milk solids in milk shall not be so increased by more than 3 percent, and (2) increase his quota of milk solids in milk byproducts by one pound for each one pound of milk solids by which he decreases his quota for milk.
- (h) Handler exemptions. Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 125 units of milk, cream, and milk byproducts, unless more than 63 units of such daily average shall consist of cream. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) onehalf pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(i) Transfers of bases. The market agent is empowered to transfer base from

one handler to another:

(1) Upon receipt of a request in writing from each handler involved; or

(2) Upon application and after written notice to the Director and each handler involved, whenever (i) a handler has denied service to an existing account; (ii) an account customarily rotates among handlers, inclusive of any account with a public agency or institution which is let on a bid basis; (iii) a sub-handler regularly making 50 percent or more of his deliveries under his own brand or trade name submits an application; or (iv) a sub-handler applies in order to consummate a bona fide sale of business; Provided, That any ruling by a market agent under this authority may be reviewed by the Director upon petition, or upon the initiative of the Director.

(j) Quota exclusions and exemptions. Deliveries of milk, cream, or milk by-products, (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream, or other dairy products, from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of WFO 79, shall be excluded from the computation.

of deliveries in the base period and exempt from charges to quotas.

(k) Consumer priorities. In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

- (2) Homes and retail stores handling milk for consumption off the premises; and
- (3) Establishments serving milk for consumption on the premises.
- (1) Petition for relief from hardship. (1) Any person affected by WFO 79 or the provisions hereof, who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name. address, and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, the hardship involved, and the nature of the relief desired.
- (2) Upon receiving such petition the market agent shall immediately investigate the representations and facts stated therein.
- (3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief/by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(m) Reports. Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

- (1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's
- (2) Within 20 days following the close of each quota period, the information required by the market agent to establish the volume of deliveries of milk, cream, and milk byproducts, under the provisions of this order, during the preceding quota period; and
- (3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.
- (n) Records. Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas.
- (o) Violations. The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.
- (p) Effective date. This order shall take effect at 12:01 a.m., e. w. t., Sep-

tember 1, 1944. With respect to violations of said War Food Order No. 79-109, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-109, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

Note: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and recordkeeping requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783: WFO 79, 8 F.R. 12426, 13283. 9 F.R. 4321, 3219)

Issued this 28th day of August 1944.

C. W. KITCHEN, Acting Director of Distribution.

[F. R. Doc. 44-13129; Filed, August 29, 1944; 12:33 p. m.]

[WFO 79-110, Amdt. 1]

PART 1401-DAIRY PRODUCTS

FLUID MILK AND CREAM IN MONTGOMERY, ALA., METROPOLITAN SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-110, (9 F.R. 144, 9 F.R. 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Montgomery, Alabama, metropolitan milk sales area, is hereby further amended, so as to read as follows:

- § 1401.143 Quota restrictions—(a) Definitions. (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.
  (2) The term "WFO 79" means War
- Food Order No. 79, dated September 7,
- 1943, as amended.
  (3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who (1) receives in a previously packaged and processed form milk, cream, or milk byproducts for delivery, and (ii) does not operate facilities for the processing and bottling of milk.
- (4) The term "industrial user" means a person, as determined by the market agent, in his capacity as a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of primarily for resale to consumers off the premises where made.
- (5) The term "base" means the total pounds delivered by a handler within the sales area during the base period (i) of milk solids in milk. (ii) of butterfat in cream, or (iii) of milk solids in milk

byproducts, minus the quota exempt deliveries described in (j) hereof, and then divided by the number of days in the base period. (For the purpose of this order, the milk solids content of milk or milk byproducts shall be computed as follows: Each hundredweight of milk, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of solids cal-. culated by multiplying the pounds of butterfat content of such milk or milk byproducts by .906, and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 65.63 pounds of milk solids minus .953 pounds of milk solids for each one-half percent of butterfat content of such cheese.)

(b) Milk sales area. The following area is designated as a "milk sales area" to be known as the Montgomery, Alabama, metropolitan milk sales area, and is referred to hereinafter as the "sales

The city of Montgomery and the county of Montgomery in the State of Alabama.

- (c) Base period. The calendar month of June 1943 is designated the base period.
- (d) Quota period. Each calendar month is designated as a quota period.
- (e) Handler quotas. Quotas for each handler other than a sub-handler or producer-handler shall be determined for each quota period as follows:

(1) For milk, multiply his base of milk solids in milk by 100 percent;

(2) For cream, multiply his base of butterfat in cream by 75 percent;

(3) For milk byproducts, multiply his base of milk solids in milk byproducts by 100 percent; and

(4) Multiply each of the foregoing results by the number of days in the quota period.

- (f) Quotas for handlers who are also producers. Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:
- (1) His base period shall be either June or December, 1943, whichever represents his larger total deliveries; and
- (2) The applicable percentages shall be 100 percent in lieu of those specified in (e).
- (g) Quota adjustments. Each handler may, within any quota period, (1) increase his quota of milk solids in milk by one pound for each one pound of milk solids by which he decreases his quota for milk byproducts, Provided, That his quota of milk solids in milk shall not be so increased by more than 3 percent, and (2) increase his quota of milk solids in milk byproducts by one pound for each one pound of milk solids by which he decreases his quota for milk.
- (h) Handler exemptions. Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 150 units of milk, cream, and milk byproducts, unless more than 75 units of such daily average shall consist of cream. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, butternilk, or fluid milk byproducts; (2)

one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(i) Transfers of bases. The market agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from each handler involved; or

- (2) Upon application and after written notice to the Director and each handler involved, whenever (i) a handler has denied service to an existing account; (ii) an account customarily rotates among handlers, inclusive of any account with a public agency or institution which is let on a bid basis; (iii) a subhandler regularly making 50-percent or more of his deliveries under his own brand or trade name submits an application; or (iv) a sub-handler applies in order to consummate a bona fide sale of business: Provided, That any ruling by a market agent under this authority may be reviewed by the Director upon petition, or upon the initiative of the Director.
- (j) Quota exclusions and exemptions. Deliveries of milk, cream, or milk byproducts, (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream, or other dairy products, from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of WFO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) Consumer priorities. In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises;

(3) Establishments serving milk for consumption on the premises.

- (1) Petition for relief from hardship.
  (1) Any person affected by WFO 79 or the provision hereof, who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address, and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, the hardship involved, and the nature of the relief desired.
- (2) Upon receiving such petition the market agent shall immediately investigate the representations and facts stated therein.
- (3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.
- (4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(m) Reports. Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's

quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish the volume of deliveries of milk, cream, and milk byproducts, under the provisions of this order, during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk by-

products.

- (n) Records. Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas.
- (o) Violations. The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.
- (p) Effective date. This order shall take effect at 12:01 a. m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79–110, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79–110, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

Norz: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4321, 4319)

Issued this 28th day of August 1944.

C. W. KITCHEN, Acting Director of Distribution.

[F. R. Doc. 44-13130; Filed, August 29, 1944; 12:33 p. m.]

[WFO 79-126, Amdt. 1]

PART 1401-DAIRY PRODUCTS

FLUID MILK AND CREAM IN AUSTIN, TEX., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 78-126 (9 F.R. 645, 9 F.R. 4321,

4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Austin, Texas, milk sales area, is hereby further amended, so as to read as follows:

§ 1401.159 Quota restrictions—(a) Definitions. (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term

in War Food Order No. 79, as amended.
(2) The term "WFO 79" means War
Food Order No. 79, dated September 7,

1943, as amended.
(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who (i) receives in a previously packaged and processed form milk, cream, or milk byproducts for delivery, and (ii) does not operate facilities for the processing and bottling of milk.

(4) The term "industrial user" means a person, as determined by the market agent, in his capacity as a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of primarily for resale to consumers off the prem-

ises where made.

- (5) The term "base" means the total pounds delivered by a handler within the sales area during the base period (i) of milk solids in milk, (ii) of butterfat in cream, or (iii) of milk solids in milk byproducts, minus the quota exempt deliveries described in (j) hereof, and then divided by the number of days in the base period. (For the purpose of this order, the milk solids content of milk or milk byproducts shall be computed as follows: Each hundredweight of milk, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of solids calculated by multiplying the pounds of butterfat content of such milk or milk byproducts by .906, and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 65.63 pounds of milk solids minus .953 pounds of milk solids for each one-half percent of butterfat content of such cheese.)
- (b) Milk sales area. The following area is designated as a "milk sales area" to be known as the Austin, Texas, milk sales area, and is referred to hereinafter as the "sales area":

The city of Austin and justices' precincts 1, 2, 3, 5, and 6 in Travis County, all in the State of Texas.

- (c) Base period. The calendar month of June 1943 is designated the base
- (d) Quota period. Each calendar month is designated as a quota period.
- (e) Handler quotas. Quotas for each handler other than a sub-handler or producer-handler shall be determined for each quota period as follows:
- (1) For milk, multiply his base of milk solids in milk by 100 percent;
- (2) For cream, multiply his base of butterfat in cream by 75 percent:

- (3) For milk byproducts, multiply his base of milk solids in milk byproducts by 100 percent; and
- (4) Multiply each of the foregoing results by the number of days in the quota period.
- (f) Quotas for handlers who are also producers. Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, 1943, whichever represents his larger total deliveries; and

- (2) The applicable percentages shall be 100 percent in lieu of those specified in (e).
- (g) Quota adjustments. Each handler may, within any quota period, (1) increase his quota of milk solids in milk by one pound for each one pound of milk solids by which he decreases his quota for milk byproducts: Provided, That his quota of milk solids in milk shall not be so increased by more than 3 percent, and (2) increase his quota of milk solids in milk byproducts by one pound for each one pound of milk solids by which he decreases his quota for milk.
- (h) Handler exemptions. Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts, unless more than 100 units of such daily average shall consist of cream. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(i) Transfers of bases. The market agent is empowered to transfer base from

one handler to another:

(1) Upon receipt of a request in writing from each handler involved; or

(2) Upon application and after written notice to the Director and each handler involved, whénever (i) a handler has denied service to an existing account: (ii) an account customarily rotates among handlers, inclusive of any account with a public agency or institution which is let on a bid basis; (iii) a sub-handler regularly making 50 percent or more of his deliveries under his own brand or trade name submits an application; or (iv) a sub-handler applies in order to consummate a bona fide sale of business: Provided, That any ruling by a market agent under this authority may be reviewed by the Director upon petition, or upon the initiative of the Director.

- (j) Quota exclusions and exemptions. Deliveries of milk, cream, or milk by-products, (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts. cream, or other dairy products, from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of WFO 79. shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.
- (k) Consumer priorities. In the distribution of milk subject to quotas es-

tablished hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

- (2) Homes and retail stores handling milk for consumption off the premises;
- (3) Establishments serving milk for consumption on the premises.
- (1) Petition for relief from hardship.
  (1) Any person affected by WFO 79 or the provisions hereof, who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name; address, and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, the hardship involved, and the nature of the relief desired.
- (2) Upon receiving such petition the market agent shall immediately investigate the representations and facts stated therein.
- (3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(m) Reports. Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish the volume of deliveries of milk, cream, and milk byproducts, under the provisions of this order, during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk.

cream, and milk byproducts.

(n) Records. Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas.

(o) Violations. The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(p) Effective date. This order shall take effect at 12:01 a. m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79-126, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-126, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

Note: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and recordkeeping requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4321, 4319)

Issued this 28th day of August 1944.

C. W. KITCHEN, Acting Director of Distribution.

[F. R. Doc. 44-13131; Filed, August 29, 1944; 12:33 p. m.l

[WFO 79-128, Amdt. 4]

PART 1401-DAIRY PRODUCTS

FLUID MILK AND CREAM IN SAN ANTONIO, TEX., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-128 (9 F.R. 648, 9 F.R. 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the San Antonio, Texas, milk sales area, is hereby further amended, so as to read as follows:

§ 1401.163 Quota restrictions—(a) Definitions. (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in

War Food Order No. 79, as amended.
(2) The term "WFO 79" means War
Food Order No. 79, dated September 7,

1943, as amended.
(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who (i) receives in a previously packaged and processed form milk, cream, or milk by-products for delivery, and (ii) does not operate facilities for the processing and bottling of milk.

(4) the term "industrial user" means

a person, as determined by the market agent, in his capacity as a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of primarily for resale to consumers off the premises

where made.

(5) The term "base" means the total pounds delivered by a handler within the sales area during the base period (i) of milk solids in milk, (ii) of butterfat in cream, or (iii) of milk solids in milk byproducts, minus the quota exempt deliveries described in (j) hereof, and then divided by the number of days in the base period. (For the purpose of this order, the milk solids content of milk or milk byproducts shall be computed as follows: Each hundredweight of milk, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds

of solids calculated by multiplying the pounds of butterfat content of such milk or milk byproducts by 906, and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 65.63 pounds of milk solids minus .953 pounds of milk solids for each one-half percent of butterfat content of such cheese.)

(b) Milk sales area. The following area is designated as a "milk sales area" to be known as the San Antonio, Texas, milk sales area, and is referred to hereinafter as the "sales area":

The city of San Antonio and all of the remaining territory within the boundary lines of Bexar County, in the State of Texas.

(c) Base period. The calendar month of June 1943 is designated the base period.

(d) Quota period. Each calendar month is designated as a quota period.

(e) Handler quotas. Quotas for each handler other than a sub-handler or producer-handler shall be determined for each quota period as follows:

(1) For milk, multiply his base of milk

solids in milk by 100 percent;

(2) For cream, multiply his base of butterfat in cream by 75 percent;

(3) For milk byproducts, multiply his base of milk solids in milk byproducts by

100 percent; and
(4) Multiply each of the foregoing results by the number of days in the quota

period.

(f) Quotas for handlers who are also producers. Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, 1943, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e).

(g) Quota adjustments. Each handler may, within any quota period, (1) increase his quota of milk solids in milk by one pound for each one pound of milk solids by which he decreases his quota for milk byproducts: Provided, That his quota of milk solids in milk shall not be so increased by more than 3 percent, and (2) increase his quota of milk solids in milk byproducts by one pound for each one pound of milk solids by which he decreases his quota for milk.

(h) Handler exemptions. Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 500 units of milk, cream, and milk byproducts, unless more than 250 units of such daily average shall consist of cream. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(i) Transfers of bases. The market agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from each handler involved; or

(2) Upon application and after written notice to the Director and each handler involved, whenever (1) a handler has

denied service to an existing account; (ii) an account customarily rotates among handlers, inclusive of any account with a public agency or institution which is let on a bid basis: (iii) a subhandler regularly making 50 percent or more of his deliveries under his own brand or trade name submits an application; or (iv) a sub-handler applies in order to consummate a bona fide sale of business: Provided. That any ruling by a market agent under this authority may be reviewed by the Director upon petition, or upon the initiative of the Director.

(j) Quota exclusions and exemptions. Deliveries of milk, cream, or milk byproducts, (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream, or other dairy products, from which no milk, milk byproducts, or cream is delivered in the sales area. (3) to industrial users, and (4) to the agencles or groups specified in (d) of WFO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) Consumer priorities. In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling mill: for consumption off the premises;

(3) Establishments serving milk for

consumption on the premises.

(1) Petition for relief from hardship. (1) Any person affected by WFO 79 or the provisions hereof, who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address, and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, the hardship involved, and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate the representations and facts stated

therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Danials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified,

or reversed by the Director.

(m) Reports. Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:
(1) Within 20 days following the

effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish the volume of deliveries of milk, cream, and milk byproducts, under the provisions of this order, during the pre-

ceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts.

(n) Records. Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas.

(o) Violations. The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(p) Effective. date. This order shall take effect at 12:01 a. m., e. w. t. September 1, 1944. With respect to violations of said War Food Order No. 79–128, as amended, rights accrued or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79–128, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

Note: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283; 9 F.R. 4321, 4319)

Issued this 28th day of August 1944.

C. W. KITCHEN, Acting Director of Distribution.

[F. R. Doc. 44-13132; Filed, August 29, 1944; 12:33 p. m.]

[WFO 79-133, Amdt. 1] PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN EL PASO, TEX., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-133 (9 F.R. 1076, 9 F.R. 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the El Paso, Texas, milk sales area, is hereby further amended, so as to read as follows:

- § 1401.161 Quota restrictions—(a) Definitions. (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.
- (2) The term "WFO 79" means War Food Order No. 79, dated September 7, 1943, as amended.

- (3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who (i) receives in a previously packaged and processed form milk, cream, or milk by-products for delivery, and (ii) does not operate facilities for the processing and bottling of milk.
- bottling of milk.

  (4) The term "industrial user" means a person, as determined by the market agent, in his capacity as a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts which products are disposed of primarily for resale to consumers off the premises where made.
- (5) The term "base" means the total pounds delivered by a handler within the sales area during the base period (i) of milk solids in milk, (ii) of butterfat in cream, or (iii) of milk solids in milk byproducts, minus the quota exempt deliveries described in (j) hereof, and then divided by the number of days in the base period. (For the purpose of this order, the milk solids content of milk or milk byproducts shall be computed as follows: Each hundredweight of milk, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of solids calculated by multiplying the pounds of butterfat content of such milk or milk byproducts by .906, and each hundred-weight of cottage, pot, or baker's cheese shall be considered the equivalent of 65.63 pounds of milk solids minus .953 pounds of milk solids for each one-half percent of butterfat content of such cheese.)
- (b) Milk sales area. The following area is designated as a "milk sales area" to be known as the El Paso, Texas, milk sales area, and is referred to hereinafter as the "sales area":

The city of El Paso; that part of justices' precinct 1 south of North Line Drive extended and North Line Drive, northwest of U. S. Highway 54, south of Hercules Drive, east of Diana Drive, south of Gas Line Road, and southwest of the Southern Pacific Railroad; that part of justices' precinct 2 south of the north boundary of Fort Bliss Military Reservation to the intersection of U. S. Highway 62, and south of U. S. Highway 62; and the entire area of justices' precinct 8; all in El Paso County, Texas.

- (c) Base period. The calendar month of June 1943 is designated the base period.
- (d) Quota period. Each calendar month is designated as a quota period.
- (e) Handler quotas. Quotas for each handler other than a sub-handler or producer-handler shall be determined for each quota period as follows:

(1) For milk, multiply his base of milk solids in milk by 100 percent;

(2) For cream, multiply his base of butterfat in cream by 75 percent;

- (3) For milk byproducts, multiply his base of milk solids in milk byproducts by 100 percent; and
- (4) Multiply each of the foregoing results by the number of days in the quota period
- (f) Quotas for handlers who are also producers. Quotas for each handler who is also a producer and who purchases

no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December 1943, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e).

(g) Quota adjustments. Each handler may, within any quota period, (1) increase his quota of milk solids in milk by one pound for each one pound of milk solids by which he decreases his quota for milk byproducts, Provided, That his quota of milk solids in milk shall not be so increased by more than 3 percent, and (2) increase his quota of milk solids in milk byproducts by one pound for each one pound of milk solids by which he decreases his quota for milk.

(h) Handler exemptions. Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts, unless more than 100 units of such daily average shall consist of cream. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese:

(i) Transfers of bases. The market, agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from each handler involved; or

(2) Upon application and after written notice to the Director and each handler involved, whenever (i) a handler has denied service to an existing account; (ii) an account customarily rotates among handlers, inclusive of any account with a public agency or institution which is let on a bid basis; (iii) a sub-handler regularly making 50 percent or more of his deliveries under his own brand or trade name submits an application; or (iv) a sub-handler applies in order to consummate a bona fide sale of business: Provided, That any ruling by a market agent under this authority may be reviewed by the Director upon petition, or upon the initiative of the Director.

(j) Quota exclusions and exemptions. Deliveries of milk, cream, or milk byproducts, (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, from which no milk, milk byproducts, from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of WFO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) Consumer priorities. In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(1) Petition for relief from hardship.
(1) Any person affected by WFO 79 or the provisions hereof, who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address, and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, the hardship involved, and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate the representations and facts stated

therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified,

or reversed by the Director.

(m) Reports. Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's

quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish the volume of deliveries of milk, cream, and milk byproducts, under the provisions of this order, during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

- (n) Records. Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas.
- (o) Violations. The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.
- (p) Effective date. This order shall take effect at 12:01 a.m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79–133, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79–133, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

Note: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the

approval of, the Burcau of the Budget in accordance with the Federal Reports Act of

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4321, 4319)

Issued this 29th day of August 1944.

C. W. Kitchen,

Acting Director of Distribution.

[F. R. Doc. 44-13137; Filed, August 23, 1944; 3:21 p. m.]

# [WFO 79-139, Amdt. 1] PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN MOBILE, ALA., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79–139 (9 F.R. 1411, 9 F.R. 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Mobile, Alabama, milk sales area, is hereby further amended, so as to read as follows:

§ 1401.174 Quota restrictions—(a) Definitions. (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

(2) The term "WFO 79" means War Food Order No. 79, dated September 7,

1943, as amended.

- (3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who (i) receives in a previously packaged and processed form milk, cream, or milk by-products for delivery, and (ii) does not operate facilities for the processing and bottling of, milk.
- (4) The term "industrial user" means a person, as determined by the market agent, in his capacity as a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of primarily for resale to consumers off the premises where made.
- (5) The term "base" means the total pounds delivered by a handler within the sales area during the base period (i) of milk solids in milk, (ii) of butterfat in cream, or (iii) of milk solids in milk byproducts, minus the quota exempt deliveries described in (j) hereof, and then divided by the number of days in the base period. (For the purpose of this order, the milk solids content of milk or milk byproducts shall be computed as follows: Each hundredweight of milk, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of solids calculated by multiplying the pounds of butterfat content of such milk or milk byproducts by .906, and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 65.63 pounds of milk solids minus .953

pounds of milk solids for each one-half percent of butterfat content of such cheese.)

(b) Milk sales area. The following area is designated as a "milk sales area" to be known as the Mobile, Alabama, milk sales area, and is referred to hereinafter as the "sales area":

The city of Mobile, Alabama and an area included within a radius of ten (10) mites of the northeast corner of the Mobile County Court House.

- (c) Base period. The calendar month of June 1943 is designated the base period.
- (d) Quota period. Each calendar month is designated as a quota period.
- (e) Handler quotas. Quotas for each handler other than a sub-handler or producer-handler shall be determined for each quota period as follows:

(1) For milk multiply his base of milk solids in milk by 100 percent;

(2) For cream, multiply his base of butterfat in cream by 75 percent;

(3) For milk byproducts, multiply his base of milk solids in milk byproducts by 100 percent; and

(4) Multiply each of the foregoing results by the number of days in the quota

period.

(f) Quotas for handlers who are also producers. Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, 1943, whichever represents his larger total deliveries; and

- (2) The applicable percentages shall be 100 percent in lieu of those specified in (e).
- (g) Quota adjustments. Each handler may, within any quota period, (1) increase his quota of milk solids in milk by one pound for each one pound of milk solids by which he decreases his quota for milk byproducts: Provided, That his quota of milk solids in milk shall not be so increased by more than 3 percent, and (2) increase his quota of milk solids in milk byproducts by one pound for each one pound of milk solids by which he decreases his quota for milk.
- (h) Handler exemptions. Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 150 units of milk, cream, and milk byproducts, unless more than 75 units of such daily average shall consist of cream. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(i) Transfers of bases. The market agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from each handler involved; or

(2) Upon application and after written notice to the Director and each handler involved, whenever (i) a handler has denied service to an existing account; (ii) an account customarily rotates among handlers, inclusive of any account with a public agency or institution which is let on a bid basis; (iii) a sub-

handler regularly making 50 percent or more of his deliveries under his own brand or trade name submits an application; or (iv) a sub-handler applies in order to consummate a bona fide sale of business: *Provided*, That any ruling by a market agent under this authority may be reviewed by the Director upon petition, or upon the initiative of the Director.

(j) Quota exclusions and exemptions. Deliveries of milk, cream, or milk byproducts, (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream, or other dairy products, from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of WFO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) Consumer priorities. In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

- (1) Petition for relief from hardship.
  (1) Any person affected by WFO 79 or the provisions hereof, who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address, and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, the hardship involved, and the nature of the relief desired.
- (2) Upon receiving such petition the market agent shall immediately investigate the representations and facts stated therein.
- (3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.
- (4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(m) Reports. Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish the volume of deliveries of milk, cream, and milk byproducts, under the provisions of this order, during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(n) Records. Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas.

(o) Violations. The market agent shall report all violations to the Director together with the information required for the prosecution of such

violations.

(p) Effective date. This order shall take effect at 12:01 a. m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79-139, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-139, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4321, 4319)

Issued this 29th day of August 1944.

C. W. KITCHEN, Acting Director of Distribution.

[F. R. Doc. 44-13138; Filed, August 29, 1944; 3:21 p. m.]

## [WFO 44, Amdt. 5]

Part 1465—Fish and Shellfish

RESTRICTIONS ON 1944 PACK OF CANNED FISH

War Food Order No. 44, as amended (8 F.R. 4227, 8797; 9 F.R. 2489, 4321, 4319, 7361), is further amended as follows:

- 1. By deleting the provisions of § 1465.20 (b) (2) and inserting, in lieu thereof, the following:
- (2) Seventy percent, by net weight, of each canner's 1944 pack of each of the classes numbered 1, 2, 3, or 5 (designated in (b) (1) hereof) is hereby established as his respective quotas of the 1944 pack of such classes for sale or delivery to government agencies: Provided, That, for the purpose of making such computations, there shall not be considered as a part of the 1944 pack of any such class any portion thereof which, at 12:01 a.m., p. w. t., August 30, 1944, the particular canner has either (i) delivered to government agencies, or with respect to which he has submitted a written tender to government agencies in accordance with the conditions of a written contract; or

(ii) has sold, or has on hand unsold which he is entitled to sell, pursuant to the provisions of this order, to persons other than government agencies. Sixty percent, by net weight, of each canner's 1944 pack of the class numbered 4 (designated in (b) (1) hereof) is hereby established as his quota of his 1944 pack of such class for sale or delivery to government agencies. Forty-five percent, by net weight, of each canner's 1944 pack of each of the classes numbered from 6 to 9, inclusive (designated in (b) (1) hereof), for the period March 1, 1944, to June 24, 1944, both dates inclusive, and 55 percent. by net weight, of each canner's 1944 pack of each of the classes numbered from 6 to 9, inclusive (designated in (b) (1) hereof), for the period June 25, 1944, to February 28, 1945, both dates inclusive, are hereby established as each canner's respective quotas of his 1944 pack of each of the said classes numbered from 6 to 9. inclusive, for sale or delivery to government agencies. No canner may sell or deliver, in the aggregate, to government agencies, a total quantity, by net weight, of his 1944 pack of any class of canned fish (designated in (b) (1) hereof) in excess of a quantity of canned fish equal to the percentage of his 1944 pack of such class plus 60,000 pounds, by net weight, of the canned fish of such class.

- 2. By deleting §§ 1465.20 (b) (3) and (4) and inserting, in lieu thereof, the following:
- (3) For each 70 pounds of canned fish of any class numbered either 1, 2, 3, or 5 (designated in (b) (1) hereof) which a canner has sold or delivered to government agencies, or with respect to which he has submitted to government agencies a written tender of delivery of such canned fish in compliance with a written contract between such canner and such government agencies, such canner may sell or deliver 30 pounds of canned fish of the same class to persons other than government agencies: Provided, That, prior to the time of each such written tender, such canner had obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the government agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's written contract for such canned fish.
- (4) For each 60 pounds of canned fish of the class numbered 4 (designated in (b) (1) hereof) which a canner has sold or delivered to government agencies, or with respect to which he has submitted to any government agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and government agency, such canner may sell or deliver 40 pounds of canned fish of the same class to persons other than government agencies: Provided, That, prior to the time of each such written tender, such canner had obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the government agency to which the tender

has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

This order shall become effective at 12:01 a. m., p. w. t., August 30, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 44, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 44, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334; 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 29th day of August 1944.

ASHLEY SELLERS,

Assistant War Food Administrator.

[F. R. Doc. 44-13139; Filed, August 29, 1944; 4:54 p. m.]

### TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board [Regs., Serial No. 321]

BRAINIFF AIRWAYS, INC.

NONCOMPLIANCE WITH PILOT REQUIREMENTS

Noncompliance with the requirements of § 40.2611 (b) of the Civil Air Regulations with respect to Braniff Airways, Inc., for the route between Houston, Texas, and Austin, Texas.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of August 1944.

The following Special Civil Air Regulation is made and promulgated to become effective September 1, 1944:

Any first pilot listed in Braniff Airways, Inc., air carrier operating certificate on September 1, 1944, as qualified to operate aircraft in scheduled air transportation between Dallas and Corpus Christi via Houston, and Dallas and Corpus Christi via Austin will be deemed competent to pilot aircraft in scheduled air transportation between Houston, Texas, and Austin, Texas, via red civil airway No. 32 upon completion of two one-way trips accompanied by a company check pilot.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL]

FRED A. TOOMBS, Secretary.

[F. R. Doc. 44-13190; Filed, August 30, 1944; 11:43 a. m.]

TITLE 16-COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission
[Docket No. 50201

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HOLZBEIERLEIN & SONS, INC.

§ 3.45 (c) Discriminating in price-Direct discrimination—Compensatory payments. In or in connection with the sale and distribution in commerce, of "Bamby" bread, or any other bakery products, (1) paying or contracting to pay anything of value to or for the benefit of District Grocery Stores, Inc., for advertising services or facilities furnished by such customer, unless such payment or consideration is available to all other competing customers on proportionally equal terms; or (2) paying for contracting to pay anything of value to or for the benefit of any customer for services or facilities furnished by or through such customer in connection with the handling, sale or offering for sale of respondent's said bakery products. unless such payment or consideration is available to all other competing customers on proportionally equal terms; pro-hibited. (Sec. 2 (d), 49 Stat. 1527; 15 U.S.C., sec. 13d) (Cease and desist or-der, Holzbeierlein & Sons, Inc., Docket 5020, August 16, 1944)

In the Matter of Holzbeierlein & Sons, Inc., a Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th

day of August, A. D. 1944. This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the respondent's answer, amended answer and waiver of intervening procedure, and the Commission having made its findings as to the facts and its conclusion that respondent Holzbeierlein & Sons, Inc., has violated and is violating the provisions of subsection (d) of section 2 of "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" approved October 15, 1914 (the Clayton Act), as amended by an act approved June 19, 1936 (the Robin-

son-Patman Act):

It is ordered, That the respondent, Holzbeierlein & Sons, Inc., a corporation, its officers, representatives, agents and employees, in or in connection with the sale and distribution in commerce, as "commerce" is defined in the aforesaid Clayton Act, of "Bamby Bread" or any other bakery products, do forthwith cease and desist from:

(1) Paying or contracting to pay anything of value to or for the benefit of District Grocery Stores, Inc., for advertising services or facilities furnished by such customer, unless such payment or consideration is available to all other competing customers on proportionally equal terms,

(2) Paying or contracting to pay anything of value to or for the benefit of any customer for services or facilities furnished by or through such customer in connection with the handling, sale or offering for sale of respondent's said bakery products, unless such payment or consideration is available to all other competing customers on proportionally equal terms.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it is complying and has complied with the order to cease and desist hereinabove set forth.

By the Commission.

[SEAL]

Otis B. Johnson, Secretary,

[F. R. Doc. 44-13174; Filed, August 30, 1944; 10:45 a. m.]

## TITLE 32—NATIONAL DEFENSE

Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control [Amdt. 212]

PART 808—PROCEDURE RELATING TO SHIP-MENT OF LICENSED EXPORTS TO THE OTHER AMERICAN REPUBLICS

SHIPMERTS HADE BY SEA FREIGHT

Correction

In F.R. Doc. 44–12935, appearing on page 10454 of the issue for Tuesday, August 29, 1944, the reference made to the second form in § 803.5 should be to Form FEA–166.

## Chapter IX-War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter iroued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; EO. 8924, 7 FR. 329; EO. 9125, 7 FR. 2719; WP.B. Reg. 1 as amended March 24, 1943, 8 P.R. 3606, 3636; Pri. Reg. 1 as amended May 16, 1943, 8 FR. 6727.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 13, Direction 1]

SFOT AUTHORIZATIONS UNDER PRIORITIES REGULATION NO. 25

The following direction is issued pursuant to Priorities Regulation 13:

(a) A holder may make a special sale of copper, copper base alloy, aluminum or steel in a form described as a controlled material in CAP Regulation 1, to a buyer who gives him an order bearing a CMP allotment symbol whose initial letter is "Z". The buyer need not charge material bought under this paragraph against any CMP allotment account. No special permission from the War

Production Board is required to make such a sale to a buyer who has been authorized to use a CMP allotment symbol whose initial letter is "2".

- (b) A holder may also make a special sale of a noncontrolled material or product which, pursuant to Priorities Regulation 13, may be sold to a user on a rating of AA-5, if the buyer furnishes an order bearing a CMP allotment symbol whose initial letter is "2" which has been granted to him under Priorities Regulation 25.
- (c) A production schedule authorized under Priorities Regulation 25 does not permit the person holding such a schedule to acquire materials or products which are limited under Priorities Regulation 13 to sales on ratings higher than AA-5 or which require special permission of the War Production Board.

Issued this 30th day of August 1944.

War Production Board, By J. Joseph Whelan, Recording Secretary.

[F. R. Doc. 44-13187; Filed, August 30, 1944; 11:30 a. m.]

Part 3286—Miscellaneous Minerals [General Conservation Order M-146, as Amended Aug. 30, 1944]

#### QUARTZ CRYSTALS

§ 3286.36 Conservation Order M-146—(a) Definitions. For the purpose of this order:

(1) "Quartz crystals" means naturally occurring crystalline quartz having a transparent interior, each single crystal of which weighs not less than 50 grams. The term includes any piece cut from quartz crystals except blanks, fabricated forms, and scrap. The term also does not include the following types of quartz:

Amethyst quartz.
Rose quartz.
Yellow quartz (sometimes known as false topaz or citrene).
Milky quartz.
Siderite or sapphire quartz.
Sagenitic quartz (enclosing crystals of rutile, tournaline, stibnite, asbestos, hornblende, epidote, etc.).
Cat's-eye or tiger's-eye quartz.
Aventurine quartz (spangled with scales of mica, hematite, or other minerals).
Chalcedony quartz.
Carnelian quartz.

Carnellan quartz.
Chrysoprase quartz.
Prase quartz.
Agate quartz.
Onyx quartz.
Sardonyx quartz.
Sardonyx quartz.
Filnt quartz.
Hornstone quartz.
Basanite, lydian stone, or touchstone.
Jasper quartz.

(2) "Blank" means any semi-fabricated piece of quartz crystal which is of such size, shape, and physical characteristics as to be suitable for the fabrication of radio oscillators or filters or other products for use in implements of war, of telephone resonators, or of optical parts. The term includes wafers, bars, sections, and other semi-fabricated forms. The term does not include scrap.

(3) "Scrap" means that part of any quartz crystal, other than a blank or a

(3) "Scrap" means that part of any quartz crystal, other than a blank or a semi-fabricated or fabricated form, remaining after a piece or pieces have been cut therefrom, if such remnant, because

of size, shape, or physical characteristics, is not suitable for the fabrication of radio oscillators or filters or other products for use in implements of war, of telephone resonators, or of optical or electrical parts.

(4) "Supplier" means any person who imports or produces from domestic sources quartz crystals for the purpose either of his own fabrication or of sale to others, or who sells quartz crystals to others.

(5) "Fabricator" means any person who fabricates blanks or other semi-fabricated or fabricated forms from quartz crystals.

(6) "Put into fabrication" means the first change by the fabricator in the form of quartz crystals from that form in which such crystals were received by him

(7) "Fabricate" means cut, saw, file, grind, polish, or otherwise change the form, shape, or characteristics. The term includes mounting or installing in holders.

(8) "Implements of war" means:

(i) Combat end products complete for tactical operations, including, but not limited to, aircraft, ammunition, armament and weapons, ships, tanks, and vehicles;

(ii) Parts, assemblies, and materials to be physically incorporated in any of

the foregoing items;

- (iii) Facilities or equipment used to manufacture any of the foregoing items, produced for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, or for any foreign country, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).
- (b) Restrictions on fabrications. (1) On and after March 20, 1944, no person shall fabricate quartz crystals or blanks except in the manufacture of:
- (i) Radio oscillators and filters or other products for use in implements of war, or in Governmental activities directly connected with defense, public health, welfare, or security.
- (ii) Radio oscillators and filters for use in radio systems to be owned, used, and operated by Federal agencies, by commercial broadcasting stations, or by commercial air lines, or for use in commercial communication systems.

(iii) Telephone resonators,

(iv) Optical or electrical parts for use in implements of war, or for use in research or production instruments manufactured to fill orders bearing a preference rating of AA-2X or higher.

(v) Radio oscillators and filters and optical parts to be used in the replacement of parts which are defective, cracked, or broken, provided the equipment or instruments requiring such parts are implements of war or are needed solely in activities directly connected with defense, public health, welfare, or security, or

(vi) Radio oscillators and filters to be exported to any foreign country for use in radio systems owned, used, and operated by a governmental department or agency of such foreign country or for use by a commercial airline operating in such foreign country.

(2) No person shall fabricate radio oscillators, radio filters, or optical parts from scrap except as specifically authorized in writing by the War Production Board. Application for such authorization should be made under Priorities Regulation 25 in the manner explained in that regulation.

(c) Restrictions on purchase, receipt, and use. On and after March 8, 1943, no person shall purchase or receive (unless for the purpose of selling or delivering to others), and no person shall use

(1) Quartz crystals or blanks, except for fabrication as permitted under the provisions of paragraph (b), or

(2) Fabricated forms of quartz crystals, except for purposes for which fabrication of quartz crystals is permitted under the provisions of paragraph (b): Provided, however, That the restrictions of this paragraph (c) (2) shall not apply to fabricated forms of quartz crystals which were already mounted or installed in holders on May 18, 1942, or to fabricated forms of quartz crystals, the purchase, receipt, or use of which has been specifically authorized by the War Production Board.

(d) Special directions. The War Production Board at its discretion may at any time issue special directions to any person with respect to the use, fabrication to final product, delivery, acceptance of delivery, or placing of orders by such person of or for quartz crystals, blanks, or semi-fabricated or fabricated forms thereof, or special directions to any fabricator with respect to the types and sizes of semi-fabricated and fabricated forms of quartz crystals which he may or must fabricate, and the grades and types of quartz crystals which he may or must use in the fabrication of such blanks or fabricated forms of quartz crystals.

(e) Reports—(1) Stocks and inventories. Every person who, on the 18th day of May, 1942, or on the last day of any calendar month thereafter has title to or is in possession or control of twenty-five (25) pounds or more of quartz crystals, or more than ten (10) pieces in the form of blanks or in other semi-fabricated or fabricated forms thereof, which have not been mounted or installed in holders, shall, on or before the close of business on the 5th day of the succeeding month, report to the War Production Board, in duplicate, on Form WPB-1033 (formerly PD-484).

(2) Fabrication. Every person who fabricates quartz crystals or blanks during any calendar month shall report to the War Production Board in duplicate on Form WPB-1033 (formerly PD-484) on or before the 5th day of the succeeding calendar month.

- (3) Other reports. All persons affected by this order shall file such other reports as may be requested from time to time by the War Production Board, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.
- (f) Miscellaneous provisions—(1) Applicability of regulations. This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.
  - (2) [Deleted Aug. 30, 1944.]
- (3) Communications to War Production Board. All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Miscellaneous Minerals Division, Washington, D. C. Ref: M-146.
- (4) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.
- (g) Exceptions and appeals. (1) Production under Priorities Regulation 25. Any person who wants to fabricate quartz crystals or blanks for a purpose not permitted by paragraph (b) (1), and any person who wants to fabricate radio oscillators, radio filters or optical parts from scrap may apply for permission to do so as explained in Priorities Regulation 25. The restrictions of paragraph (c) do not apply to the purchase, receipt or use of quartz crystals or blanks in respect of which fabrication is authorized under Priorities Regulation 25.
- (2) Appeals. Any appeal from the provisions of this order, other than the restrictions of paragraph (b), should be made by filing a letter (in triplicate) referring to the particular provision appealed from and stating fully the grounds of appeal. No appeal should be filed from the restrictions of paragraph (b).

Issued this 30th day of August 1944.

WAR PRODUCTION BOARD. By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 44-13188; Filed, August 30, 1944; 11:29 a. m.]

PART 3290-TEXTILE, CLOTHING AND LEATHER

[General Concervation Order M-385, Interpretation 1]

The following interpretation is issued with respect to General Conservation Order M-385:

- 1. Q. Does the four weeks' supply referred to in paragraph (b) (3) include textiles obtained without the use of the preference rating, that is, so called "free" goods?-A. Yes.
- 2. Q Does the four weeks' supply referred to in paragraph (b) (3) include all textiles that the manufacturer has on hand?—A. No. It includes only the textiles of the came construction as the textiles for which the
- rating is used.
  3. Q. May a processor who has on hand less than four weeks' supply of a textile accept delivery of the rame textile on a rating accept delivery of the rame textile on a rating accept delivery of the rame textile on a rating accept delivery to will have on if as a result of said delivery he will have on hand more than a four weeks' supply?—A. Yes. For example, if a processor has on hand 3½ weeks supply he may accept delivery of an additional four weeks cupply. However, he may not at any one time accept de-

livery of more than a four weeks' supply.

4. Q. Does the supply "on hand" referred
to in paragraph (b) (3) include goods not
located at the Processor's plant ready for
production?—A. Yes. It includes goods production?—A. Yes. It includes goods wherever located if title has passed to the

processor

- 5. Q. Do the provisions of paragraph (j) of Conservation Order M-317 apply to cotton textiles as defined in that order which are obtained with the rating assigned by order M-385?—A. Yes. Paragraph (1) of M-317 provides that "no person shall accept delivery of any cotton textiles if his aggregate inventory exceeds or would then exceed the lesser of (1) a practicable minimum working inventory, or (2) his requirements for 90 days."
- 6. Q. Do the provisions of paragraph (b) (7) apply to all textiles obtained on a rating assigned by this order?-A. Yes. All the textiles obtained on the rating must be used for the production of the item for which the rating was used, and production must be completed within 60 days after delivery of the textiles.
- 7. Q. May processors appeal from the provisions of any of the paragraphs of this order?—A. Yes. Any person who considers that compliance with any of the provisions of this order would work an exceptional and unreasonable hardship on him may appeal
- or relief pursuant to paragraph (h) (4).

  8. Q.Do the words "a processor of the same item" in paragraph (b) (1) mean only a person who made the item from the paragraph. ticular fabrics listed for it in Column 2 of preference rating schedule of Supplement II?—A. No. Any percon who made the item, regardless of the material which was used, may use the rating assigned by the order if he meets and compiles with the requirements of the order. For example, in Group 1 of the preference rating cchedule of Supplement II the item listed is "dremen, micres plement II the item listed is "arctice, minused and women's, sizes 12 to 44". Anyone who made dresses in there sizes, whether of cot-ton, rayon, wool or other fabrics, may use the rating if he is otherwise qualified.

9. Q. Do the limitations of paragraph (b) (2) on the total production of an item apply to a processor who does not use the rating assigned by this order?—A. No.

10. Q. Do the limitations of paragraph (b) (2) on the total production of an item, re-

gardiens of price, apply to a processor's production of that item made of materials other than the textiles for which a rating it ascigned?—A. Yes. They apply to the proces-cor's total production of that item, regardless of the material out of which it is made. Thus, if a processor makes dresses out of rayon, wool, or other fabrics and uses a rating to obtain cotton textiles the total production of all dracess, regardless of the ma-terial from which they are made, may not exceed his base period production of dresses.

11. Q. Are the prices indicated for each item in the preference rating schedule of Supplement II net prices, or are they subject to the usual discounts?—A. The prices listed are gross. They are subject to the customary trade and other discounts. For example, if the processor's usual practice is to cell the item at a price less 8% discount, the item must be produced for cale by him at or below the price indicated for it in the preference rating schedule less 8%.

12. Q. Do the provisions of paragraph (e) as to equitable distribution apply to all garments manufactured by a processor, whether from "free" goods or rated goods?-A. The provisions of this paragraph apply to the total production of each item for which the rating is used, including production from "free goods, as well as from goods obrained on the rating. Thus, if a person uses a rating to get material to make misses and women's dresses up to \$15.75 per dozen, he must comply with the provisions of paragraph (e) with respect to his total production of dreeses up to \$15.75 per dozen, even though a large part of this production is from "free"

13. Q. Are nurses' uniforms, or any other type of uniform, included within the term "dresses" in Groups 1 and 2 of the preference rating cchedule of Supplement II?-A. No.

14. Q. May a percon who manufactures an item for the armed forces, or any other government agency, consider his dollar volume of his production of this item for the government in determining his right to use a rating under (b) (1), or his production quota under (b) (2)?—A. Yes. However, he may not take into consideration his production of other items for the government. For example, if a percon manufactured shirts for the Army during the base period, he is qualifled to use the rating assigned by Groups 11 and 12 of the preference rating schedule of Supplement II to make men's shirts, and he may consider his dollar volume of production for the Army in computing his quota under paragraph (b) (2). However, if he made men's shorts for the Army, he may not concider this production for the purpose of qualifying him to use a rating for men's shirts, or in computing his production quota for men's chirts.

15. Q. May a person, who during the base period was engaged in production for the armed forces making items not listed in the preference rating cohedule, use a rating assigned by Supplement II for an item listed in the cchedule?-A. No. However, he may apply for an authorization pursuant to paragraph (b) (8).

Issued this 30th day of August 1944.

WAR PRODUCTION BOARD. By J. JOSEPH WHELAN, Recording Secretary.

[P. R. Doc. 44-13189; Filed, August 30, 1944; 11:29 a. m.]

Chapter XI—Office of Price Administration

- PART 1300—PROCEDURE

[Procedural Reg, 6,1 incl. Amdts. 1-6]

PROCEDURE FOR THE ADJUSTMENT OF MAXI-MUM PRICES FOR COMMODITIES OR SERVICES UNDER GOVERNMENT CONTRACTS OR SUB-CONTRACTS

This compilation of Procedural Regulation 6 includes Amendment 6, effective September 4, 1944. The text added or amended by Admendment 6 is underscored.

Pursuant to the authority of sections 201 (d) and 203 (a) of the Emergency Price Control Act of 1942 (Public, No. 421, 77th Cong., 2d Sess., Jan. 30, 1942), the following rules are hereby prescribed for the adjustment of maximum prices established by the Office of Price Administration for commodities or services which are essential to the war program and which are or will be the subject of Government contracts or subcontracts:

1300.401 Right to apply for adjustment. 1300.402 Form of application.

Form of application.

1300.403 Revoked.

1300.404 Place for filing application and number of copies.

Action by regional offices. 1300.405

1300.406 1300.407 Revoked.

Action by Administrator.

Protest of denial of application. 1300.408 Amendment of this regulation.

1300.409 1300.410 Definitions.

1300.411 Effective date.

1300.411a Effective dates of amendments.

1300.412 Appendix A. 1300.413 Appendix B.

1300.414 Revoked.

AUTHORITY: §1300.401 to § 1300.414, inclusive, issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

- § 1300.401 Right to apply for adjustment. (a) Any seller who has entered into or proposes to enter into a Government contract or subcontract thereunder, who believes that his maximum price or prices impedes or threatens to impedé the production, manufacture, or distribution of a commodity or the supply of a service which is essential to the war program and which is or will be the subject of such contract or subcontract may apply for adjustment of his maximum price or prices in the manner set forth below.
- (b) No seller may file an application under paragraph (a) if the maximum price or prices sought to be adjusted is established by any price regulation that expressly prohibits such application or by any of the following price regulations: Nos. 2, 3, 4, 8, 12, 20, 30, 47, 55, 70, 87, 90, 115, 123, 171, 148, 156, 169, 239, 286.2

- (c) Upon the filing of an application for adjustment or within five days prior thereto, and until final disposition of the application, contracts may be entered into or proposed and bids submitted at the price or prices requested in the application, and deliveries may be made under such contracts, except that the seller may not receive and the buyer may not pay the amount by which the price exceeds the maximum price unless and until an order granting a higher price has been issued. The seller shall include in any sale, contract to sell, or offer to sell at the price requested in an application the following:
- (i) The maximum price for the commodity or service in question.
- (ii) A statement that the quoted price is subject to approval of the Office of Price Administration.
- (iii) A statement that an appropriate application has been filed, or will be filed within five days, with the Office of Price Administration.
- (d) Any Government agency may appear as an interested party in the case of any such application.
- [§ 1300.401 amended by Am. 2, 8 F.R. 6173, effective 5-17-431
- § 1300.402 Form of application. An application for adjustment shall be made on Form OPA 612.205 set out in Appendix A, incorporated as § 1300.412 of this procedural regulation. An application may be filed for each commodity or service for which a specific price increase is sought or, subject to the approval of the Office of Price Administration, for a group of related commodities or services for which a general price increase is sought. Such forms may be obtained from any field office of the Office of Price Administration or may be copied by the applicant from Appendix A.
- [§ 1300.402 amended by Am. 2, 8 F.R. 6173, effective 5-17-43]
  - § 1300.403 Revoked.
- [§ 1300.403 revoked by Am. 3, 8 F.R. 6174, effective 5-17-431
- § 1300.404 Place for filing application and number of copies. (a) An original and two copies of an application for adjustment shall be filed.
- (b) Except as indicated in paragraph (c), an application for adjustment may

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- be filed either with the appropriate Regional Office of the Office of Price Administration, or with the Office of Price Administration, Washington, D. C.
- (c) The following applications for adjustment shall be filed with the Office of Price Administration, Washington, D. C.:
- (1) Any application made with respect to a contract entered into or proposed to be entered into:
- (i) With the Department of the Navy, the total value of which exceeds \$200,000;
- (ii) With the War Department, the total value of which exceeds \$5,000,000;
- (iii) With any agency of the United States other than the War Department or the Department of the Navy;
- (iv) With the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States." or with any agency of any such Government.
- (2) Any application made pursuant to the following price regulations of the Office of Price Administration or with respect to the following commodities:
- (i) Edible offal and other meat or meat products subject to the General Maximum Price Regulation;
- (ii) Revised Price Schedule No. 67-New Machine Tools.
- [§ 1300.404 amended by Am. 1, 7 F.R. 5664, effective 7-23-42; and Am. 6, effective 9-4-441
- § 1300.405 Action by regional offices. After due consideration, the Regional Office may, by order, grant, in whole or in part, or deny any application for adjustment which is properly pending before it. The decision of the Regional Office shall be accompanied by a statement of the reasons for its action. In cases of unusual difficulty or importance, the Regional Office shall refer the application for decision to the Administrator in Washington, D. C.
  - § 1300.406 Revoked.
- [§ 1300.406 revoked by Am. 5, 9 F.R. 6256, effective 6-12-44.]
- § 1300.407 Action by Administrator. After due consideration, the Administrator may, by order, grant, in whole or in part, or deny any application for adjustment which:
- (a) Is filed with the Office of Price Administration, Washington, D. C., and not transmitted to a Regional Office for action, or
- (b) Is filed with the appropriate Regional Office but is referred for decision to the Administrator by that office. The decision of the Administrator shall be accompanied by a statement of the reasons for his action.
- [Former paragraph (a) revoked and former (b) and (c) redesignated (a) and (b) by Am. 5, 9 F.R. 6256, effective 6-12-44.]
- § 1300.408 Protest of denial of application. Any applicant whose application for adjustment is denied in whole or in

<sup>17</sup> F.R. 5087.

<sup>&</sup>lt;sup>2</sup>Revised Price Schedule No. 2, Aluminum Scrap and Secondary Aluminum Ingot; Re-vised Price Schedule No. 3, Zinc Scrap Materials and Secondary Slab Zinc; Revised Price Schedule No. 4, Iron and Steel Scrap; Revised Price Schedule No. 8, Pure Nickel Scrap, etc.; Revised Price Schedule No. 12, Brass Mill Scrap; Revised Price Schedule No. 20, Copper Scrap and Copper Alloy Scrap; Revised Price Schedule No. 30, Wastepaper; Maximum Price

Regulation No. 47, Waste Rags, Waste Ropes and Waste Strings; Maximum Price Regulation No. 55, Second-Hand Bags; Revised Price Schedule No. 70, Lead Scrap Materials, etc.; Revised Price Schedule No. 87, Scrap Rubber; Maximum Price Regulation No. 90, Rayon Waste; Maximum Price Regulation No. 115, Silk Waste; Maximum Price Regulation No. 123, Raw and Processed Wool Waste Materials; Maximum Price Regulation No. 171, Nitrocellulose Film Scrap; Revised Maximum Price Regulation No. 148, Dressed Hogs and Whole-sale Pork Cuts; Maximum Price Regulation No. 156; Certain Beef and Beef Products Purchased by Certain Federal Agencies; Revised Maximum Price Regulation No. 169, Beef and Veal Carcasses and Wholesale Cuts; Revised Maximum Price Regulation No. 239. Lamb and Mutton Carcasses and Cuts at Wholesale and Retail; Maximum Price Regulation No. 286, Certain Sausage Products for War Procurement Agencies.

part may file a protest against such order in accordance with the provisions of Revised Procedural Regulation No. 1.

- [§ 1300.408 amended by Am. 5, 9 F.R. 6256, effective 6-12-44; and Am. 6, effective
- § 1300.409 Amendment of this regulation. Any provision of this Procedural Regulation No. 6 may be amended or rescinded by the Administrator at any time. Such amendment or rescission shall be published in The Federal Reg-ISTER and shall take effect from the date of its publication, unless otherwise specified therein.
- § 1300.410 Definitions. As used in this Procedural Regulation No. 6, the terms:
- (a) "Administrator" means the Price Administrator of the Office of Price Administration, Washington, D. C., or such person as he may appoint or designate to carry out any of his duties.
- (b) "Government contract" means any contract with the United States or any agency thereof or with the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States" or with any agency of any such Government.
- (c) "Appropriate Regional Office" means:
- (1) If the application for adjustment is made with respect to a contract entered into or proposed to be entered into with the War Department or the Department of the Navy, the Regional Office of the Office of Price Administration for the region in which is located the field purchasing office or depot of the War Department, or the naval purchasing office with which the applicant is negotiating or expects to negotiate.
- If such purchasing offices or depots are located in more than one region, for the region in which is located the plant of the applicant in which the commodity involved is or will be produced or in which the service involved is or will be supplied.
- (2) If the application for adjustment is made with respect to a subcontract under a Government contract, the Regional Office of the Office of Price Administration (i) for the region in which is located the plant of the applicant in which the commodity involved is or will be produced or in which the service involved is or will be supplied or (ii) if such plants are located in more than one region, for any region in which any such plant is located.

[Paragraph C amended by Am. 6; effective 9-4-44]

(d) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other Government, or any of its political subdivisions, or any agency of any of the foregoing.

publication provided for by the Act of July 26, 1935 (49 Stat. 500), as amended. (f) "Price regulation" means a price

(e) "FEDERAL REGISTER" means the

schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation heretofore or hereafter issued by the Office of Price Administration, or any amendment or supplement thereto or under, heretofore or hereafter issued thereunder.

[Paragraph\_(f) added by Am. 1, 7 F.R. 5654, effective 7-23-42]

(g) As used herein, the term: "Commodity or service essential to the war program" means any commodity or service purchased (1) for the ultimate use of the Army, the Navy, the Maritime Commission, or the War Shipping Administration of the United States or for lend-lease purposes; or (2) by any Government (or agency thereof) of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States"; or (3) for use in the production or manufacture of any commodity or in the supply of any service as defined in (1) or

"Government contract" means any contract with the United States or any agency thereof or with the Government or any agency thereof of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States."

(h) "Subcontract" means any purchase order or agreement to perform all or any part of the work required under, or to make or furnish any commodity needed for the performance of, another Government contract or subcontract thereunder.

[Paragraphs (g) and (h) added by Am. 2, 8 F.R. 6173, effective 5-17-43]

- § 1300.411 Effective date. This Procedural Regulation shall become effective July 3, 1942. [Procedural Regulation 6 originally issued July 1, 1942]
- § 1300.411a Effective dates of amendments. [Effective dates of amendments are shown in notes following the parts affected]
- . § 1300.412 Appendix A. Form OPA-612:205

Form Approved Budget Bureau No. 08-R244.1

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION WASHINGTON, D. C.

Application for adjustment of maximum prices for commodities or services under government contracts or subcontracts

Notes: (1) Unless otherwise indicated, "commodity" refers to a particular size and specification.

(2) If the application covers, subject to the approval of the Office of Price Administration, a group of related commedities or

cervices, the answers to questions must be in cufficient detail and in appropriate form to provide an adequate factual basis for appraising the application.

(3) If the application is made with respect

to a commodity or service (or commodities or cervices) which is or will be subject to ceveral contracts, submit, on extra sheets, answers to questions I-2a, I-2b and I-2c for each contract.

(4) The term "contract" includes purchara orders, letters of intent, or other arrangements not yet completed; where appropriate, the terms "commodity or service" includes commodities or cervices and "price" includes prices

(5) One original and two copies of the form and of all supplementary statements, must be filed.

.\_\_\_\_ hereby makes

(Applicant) .
application to the Office of Price Administration, pursuant to Procedural Regulation No. 6, for the adjustment of the maximum price established for the particular commodity or cervice described below, which is or will be the subject of Government contrasts or subcontracts.

The following facts are furnished to the OPA in support of this application: Name of company \_\_\_. Address \_

(Street) (City) (State) I. Description of commodity or service and contract on which adjustment is sought:

1. Brief description of commedity or serv-

ice (indicate unit of measure):

2. (a	) Scrial	number	or c	other	identific	a
tion of	contrac	t, giving :	name	and	address	of
purcha	cer or p	rocpective	e pur	chas	er:	

- . Identification of contract\_\_
- 2. Name of purchaser\_\_\_\_ 3. Address of purchaser...
- (Street) (City) (State) (b) If price adjustment is sought with respect to deliveries under existing contracts, submit:

1.	Date	of	contract

			*********	
2.	<b>Estimated</b>	date of	completion	

- 3. Total quantity of commodity or service contracted for \_.
- 4. Total quantity of commodity or service remaining to be delivered or supplied ...
- (c) If price adjustment is sought for a proposed contract submit
- 1. Final delivery date to be stipulated by proposed contract

2.	Estimated	date	at	which	deliveries	will
pegi	n					

3. Total	quantity	σſ	commodity	or	service
contracted	for		_		

#### 4. Value of contract (Proposed unit price times quantity) \_\_\_\_\_

(d)	Iſ	contrac	t is	2	subco	ntract,	submit
cerial :	nur	nber or e	othe	r ie	ientifi	cation	of prima
contra	ct 1	whether	or r	at	there	are int	termedi-
ate cu	beo	ntracts					

3. Established maximum price per unit, pursuant to Maximum Price Regulation

(indicate uni	t)
---------------	----

of the applicant in which the commodity or cervice is being or will be produced or supplied

No. 174-3

II. Importance of commodity or service in company's operations:

	Sales of particular commod- ity or service involved		Total com- pany sales
	Units	Dollars	Dollars
1. Actual sales for 1943 2. Actual sales Jan. 1, 1944 to			

III. Unit cost of commodity or service:

General instructions. Give actual cost data, if available. If no actual cost figures are available, give careful estimates. Indicate, however, by encircling the appropriate figures where estimates are being submitted. Both actual and estimated cost figures must be based upon the total sales of the particular commodity or service involved and not merely upon sales under the particular contract involved. In no circumstances are income taxes and excess profits taxes to be included as costs.

- 1. Direct materials. 'In computing cost of direct materials use costs as shown on your books. If material cost is estimated, use the same method by which your books are kept. Material cost must represent actual cost; state separately any charges added to costs of materials.
- 2. Direct labor. State cost of direct or production labor following the classifications in your own records. For each classification, use actual wages of men employed on the job; or, if this is not practicable, base cost on departmental or shop average wage rates for each classification,
- 3. Other manufacturing costs, selling expenses, and other expenses. These costs should be stated in accordance with the method of allocation established in your method of allocation established in your company. Explain on a separate sheet in triplicate, attached to this form, the items included under these headings and the basis of allocation of such items of cost to the commodity or service involved. If standard costs are used, adjust these costs for over- or under-absorption during the period to which the costs apply.

	Costs as of the Base Date of the Applicable Price Reg- ulation*	Current Costs
1. Direct materials 2. Direct labor		
Other manufacturing costs     Selling and advertising expenses		
5. Other expenses 6. Total cost		
7. Number of units on which cost computation is based.		·
8. Period used for computing costs		
	<u> </u>	

\*If the applicable price regulation has no base date, this column need not be filled in.

Any substantial changes in the above listed cost components should be explained care-

fully in triplicate on attached sheets.

IV. State whether the applicant has entered into, or will enter into, a government

contract or subcontract, or will make deliveries, at the requested unit price—pursuant to Procedural Regulation No. 6—pending final action by the Office of Price Administration

\_\_\_\_\_ Yes ----- No (

- V. Submit the following:
- A. Balance sheets as of the close of:
- 1. 1936 through 1943 (fiscal or calendar years).
  - 2. Most recent accounting period.
  - B. Income statements for:
- 1. 1936 through 1943 (fiscal or calendar years).

2. Most recent accounting period.

Instructions: (1) Income statements must show: (a) net sales, (b) cost of commodities and/or services sold, stating separately, total direct labor costs, total direct material costs, and total other manufacturing costs, (c) general and administrative expenses, segregating compensation to officers and directors, and (d) net profits before income and excess profits taxes. All charges to operations representing accumulations of reserves must be shown in detail on the statements.

(2) The applicant need not file with the application any required financial data (a) which were previously submitted on Form A-Annual Financial Report-or Form B-Interim Financial Report-issued by the Office of Price Administration, or (b) which, for the years 1936 through 1941, can be obtained by the Office of Price Administration directly from the Bureau of Internal Revenue. Consideration of the application will be expedited, however, if such data are filed with the application.

> Applicant Title

[Appendix A amended by Am. 2, 8 F.R. 6173, effective 5-17-43; Am. 3, 8 F.R. 6174, effective 5-17-43; and Am. 4, 8 F.R. 12024, effective 9-6-43; and Am. 6, effective 9-4-44]

## § 1300.413 Appendix B.

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

Regional Offices and States and Territories Covered

Boston Regional Office, 55 Tremont St.: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecti-

Region II. New York Regional Office, 350 Fifth Avenue: New York, New Jersey, Pennsylvania, Delaware, Maryland, and District of Columbia.

Region III. Cleveland Regional Office, 363 Union Commerce Building: Ohio, Michigan, Indiana, Kentucky, and West Virginia.

Region IV. Atlanta Regional Office, Candler Building, Peachtree Street: Georgia, Alabama, Mississippi, Florida, Tennessee, North Carolina, South Carolina, and Virginia.

Region V. Dallas Regional Office, Fidelity Union Building: Texas, Oklahoma, Louisiana,

Missouri, Arkansas, and Kansas.

Region VI. Chicago Regional Office, 226
West Jackson Blvd.: Illinois, Wisconsin, Iowa, Minnesota, North Dakota, and Nebraska.

Region VII. Denver Regional Office, 506 Kittredge Bldg.: Colorado, New Mexico, Utah,

Idaho, Montana, and Wyoming.

Region VIII. San Francisco Regional Office, 1355 Market Street: California, Nevada, Arizona, Oregon, and Washington. Region IX. Territorial Office, Office of Price Administration, Washington, D. C.,

Alaska, Puerto Rico, Virgin Islands, Canal Zone, and Hawaii.

§ 1300.414 Revoked.

18 1300.414 revoked by Am. 5, 9 F.R. 6256, effective 6-12-44]

Issued this 29th day of August 1944.

JAMES F. BROWNLEE, Acting Administrator.

[F. R. Doc. 44-13140; Filed, August 29, 1944; 5:03 p. m.]

PART 1351-FOOD AND FOOD PRODUCTS [FPR 1.1 Amdt, 5 to Supp. 71

PACKED FRUITS, BERRIES AND VEGETABLES OF THE 1944 AND LATER PACKS

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.\*

1. The table in section 1 (a) is amended by adding item 7 to read as follows:

Col- umn 1	Column 2	Col- umn 3	Column 4	
Item No.	Product	Section	Section	Appen dk
7	Yollow cling peaches, halves, sliced, quartered, and diced (Cali- fornia only)	8	10	D

2. In section 16, Appendix D is added to read as follows:

APPENDIX D-YELLOW CLING PEACHES, HALVES, SLICED, QUARTERED, AND DICED

Explanation of how maximum prices are figured for packed yellow cling peaches,

halves, sliced, quartered, and diced.

This appendix includes the specific pricing provisions for packed yellow cling peaches, halves, sliced, quartered, and diced, produced in the state of California. It does not apply to these styles of pack of packed yellow cling peaches produced in states other than California, nor does it apply to packed whole or pickled yellow cling peaches produced in any area.

Conversions for grade, for syrup differential, and for container type and size under subparagraph (2), (3) or (4) of section 5 (a) of this supplement are to be made in the same order and in the same manner as those for packed apricots. The explanation at the beginning of Appendix B of this section applies to this appendix for that purpose, except that no conversion is provided here for style of pack.

TABLE 1-AREAS

## 1. California

TABLE 2-BASE PERIOD PRICES

Weighted average selling price for the first 60 days after the beginning of the 1941 pack.

<sup>\*</sup>Copies may be obtained from the Office of Price Administration. 19 F.R. 9493.

TABLE 3--PERMITTED INCREASES AND PHICE NAMOES PER DOZEN CONTAINERS FOR PROCESSORS WHO MADE SALES OF TABLES OF

	No. 2	No. 212 cans D	No. 1	No. 10 cans	If you
Style and grade	Permitted increase	Prico ranges	Permitted increase	Prico	
Yollow clings, halves and quartered:       \$0.63         Fanoy       \$0.63         Choloco       48         Shandard       48         Water       30         Yollow clings, alleed:       52         Fanoy       60         Oholes       62         Skandard       47         Seconds       47         Seconds       47         Seconds       47         Where       41         Pho       41	8. 88. 88. 88. 89. 89. 89. 89. 89. 89. 8	25 42 41 42 42 42 42 42 42 42 42 42 42 42 42 42	25. 25. 25. 25. 25. 25. 25. 25. 25. 25.	28.4 2.8 2.8 2.8 2.8 2.8 2.8 2.8 2.8 3.8 3.8 3.8 3.8 3.8 3.8 3.8 3.8 3.8 3	No. 2  H dens tho belo from
Solid pack pie			1.03	7, 43- 8, 10	50

For any grade of yellow elling peaches, dieed, packed in No. 2½ or No. 10 cans:
The permitted increace is the same amount as that named above for the same grade and
container type and disc of yellow elling peaches, halves and quartered; and
The processor chall figure the limitations of the price range by adding 30.06, in the cace of
No. 3½ cans, or 00.20, in the cace of No. 10 cans, to the bottom and top respectively of the
price range named above for the came grade and container type and size of yellow elling peaches, holves and quartered.

<u>taces 4—bedeed dollard-and-edato maxinum prifes der doen ednem propesora vaio verio nade</u> Et dugspees during 1941 op vaio ladde no gales op tric etvee op pace deing prifes during tric dage period

Arres 1

25. 25. \$**#** 문 85.83 0.11 Water No. 10 cans Stand-57.33 Cholco 8,x 85 ೧≈ ೧೫ Foncy S. 91 1.93 Water Eccende No. 255 cana 었다 포함 Stond-ard Obeles 동 동 왕 Xcliow clings, halves and quertered Xellow clings, allerd. 8 1,5

For any grade of yellow cling peaches, dieed, packed in No. 2½ or No. 10 cans, the dollars-and-cents maximum price (for processors who were not in business during 1941 or who made no sales of packed yellow cling peaches, dieed, during the base period) shall be the price named above for the same grade and container type and size of yellow cling peaches, halves and quartered, plus \$0.20, in the case of No. 2½ cans, or plus \$0.20, in the case of No. 10 cans.

TABLE 5-CONVERSION PACTORS-METAL CONTAINERS

ing Houses is amended to read as follows:  1. Section 2 (a) is amended to read as		Regardless of any con-	4.40 4.30 1.9 F.R. 2166, 3231, 3421, 4194, 4541, 5002,
relow n	Z	2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2	31 4.40
column errion fa	No. 235 No. 10	ci-	
To a can else lieted at the head of a column below multiply by the appropriate conversion factor	No. 2	*****	# 1004 # 1004 # 2
se Heted at t by the app	8-011110 No. 1 fall No. 2		59.
To a can ele	8-0111100		
To convert from a can ske in this column			No. 3 No. 35 No. 10.

OLABS	
õ	118
NIL	ontaine
FROM	g
6-CONVERSION	[Dollars per doze
TABLE	

(Dollars per dezen containers)

Syrup cans, cans	Extra honyy (Fancy)		The density of the syrup referred to above
			-\$0.30 The density of the
To got a price container si	(or subtrac	No. 2½ glass No. 303 glass	+80.20
f you can size in this column—  on take the size of th			No. 21/2

is defined as follows:

"Extra heavy syrup" means syrup having a cut-out density of 24°-36° Brix.

out density of 10°-24° Brix.

"Light syrup" means syrup having a cut-out density of 14°-19° Brix.

"Silght syrup" means syrup having a cut-out density of 14°-10° Brix. ow for the grado from the prices computed m Table 3 or 4 and add to the resulting ares the differential for the syrup you use. fruit, subtract the differential stated does not correspond to the grade of you pack fruit in syrup of which TABLE 7-SYRUP DIFFERENTIALS

TABLE S-GRADE DIFFERENTIALS

Area 1

(Differences between successivo grades (dollars per dozen containers))

GISTER, Thursday,			
No. 10 ecm	Elleod	84. 134.	
No. 1	Halves, quartered, and dieed	8 1 1 8 8 1	
No. 214 cans	SHood	ន. ដម≓ដ	
No. 23	Halves, quartered, and dleed	8 8828	
		Fancy and choice	

This amendment shall become effective August 29, 1944.

Issued this 20th day of August 1944.

F. R. Doc. 44-13141; Filed, August 29, 1644; 5:02 p. m.

Acting Administrator.

JALES G. ROGERS, Jr.,

PROHIBITION AGAINST HIGHER THAN MAKE-Rent Regulation for Hotels and Room-[Hotels and Rooming Rouses,1 Amdt. 30] PART 1368-DEFENSE-RENTAL AREAS

occupancy on and after the effective date Rental Area higher than the maximum rents provided by this regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this regulation may be demanded or received. rent for or in connection with the use or of regulation of any room in a hotal or tion heretofore or hereafter entered into, no person shall demand or receive any rooming house within the Defensetract, agreement, lease or other obliga-

- 2. Section 2 (c) is added to read as follows:
- (c) Security deposits—(1) General prohibition. Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person on or after September 1, 1944, shall demand or receive a security deposit for or in connection with the use or occupancy of any room in a hotel or rooming house within the Defense-Rental Area or retain any security deposit received prior to or on or after September 1, 1944, except as provided in this paragraph (c). The term "security deposit," in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month.
- (2) Maximum rent established under section 4 (a). Where the maximum rent of the housing accommodations is established under section 4 (a), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent.
- (3) Maximum fent established under section 4 (b) or (c)—(i) Renting prior to effective date of regulation. Where the maximum rent of the housing accommodations is established under section 4 (b) or (c) by renting prior to the effective date of regulation, no security deposit shall be demanded, received or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement under which the accommodations were first-rented or in any order heretofore or hereafter issued with reference to such security deposit. Where such lease or other rental agreement provided for a security deposit, the Administrator at any time, on his own initiative or on application of the tenant, may order a decrease in the amount of such deposit or may order its elimination.
- (ii) Renting on or after effective date of regulation. Where the maximum rent of the housing accommodations is established under section 4 (b) or (c) by a renting on or after the effective date of regulation, no security deposit shall be demanded, received, or retained.
- (4) Maximum rent established under section 4 (d) or (f). Where the maximum rent of the housing accommodations is established under section 4 (d) or (f), no security deposit shall be demanded, received or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) as provided in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations are first rented after September 1, 1944, no security deposit shall be demanded, received, or retained.

- (5) Deposits to secure the return of certain movable articles. Notwithstanding the preceding provisions of this paragraph (c), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles such as keys and ice trays. If the landlord shows that he has a special need therefor, the Administrator may enter an order authorizing a security deposit, not in excess of ten dollars to secure the return of the movable articles specified in the order.
- 3. Section 13 (a) (11) is amended to read as follows:
- (11) "Rent" means the consideration, including any bonus, benefit, or gratuity demanded or received for or in connection with the use or occupancy of room or the transfer of a lease of such room.

This regulation shall become effective September 1, 1944.

Note: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 29th day of August 1944.

James G. Rogers, Jr.,
Acting Administrator.

[F. R. Doc. 44-13143; Filed, August 29, 1944; 5:01 p. m.]

PART 1388—DEFENSE-RENTAL AREAS (Hotels and Rooming Houses, Miami Area, Amdt. 7]

PROHIBITION AGAINST HIGHER THAN MAXI-MUM RENTS

Rent Regulation for Hotels and Rooming Houses in the Miami Defense-Rental Area is amended in the following respects:

- 1. Section 2 (a) is amended to read as follows:
- (a) Prohibition against higher than maximum rents. Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for or in connection with the use or occupancy on and after October 15, 1943 of any room in a hotel or rooming house within the Defense-Rental Area higher than the maximum rents provided by this regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this regulation may be demanded or received.
- 2. Section 2 (c) is added to read as follows:
- (c) Security deposits—(1) General prohibition. Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person on or after September 1, 1944 shall demand or receive a security deposit for or in connection with the use or occupancy of any room in a hotel or rooming house within the Defense-

Rental Area or retain any security deposit received prior to or on or after September 1, 1944 except as provided in this paragraph (c). The term "security deposit," in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month.

(2) Maximum rent established under section 4 (a). Where the maximum rent of the housing accommodations is established under section 4 (a), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date deter-

mining the maximum rent.

(3) Maximum rent established under section 4 (b) or (c)—(i) Renting prior to effective date of regulation. Where the maximum rent of the housing accommodations is established under section 4 (b) or (c) by a renting prior to the effective date of regulation, no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement under which the accommodations were first rented or in any order heretofore or hereafter issued with reference to such security deposit. Where such lease or other rental agreement provided for a security deposit, the Administrator at any time, on his own initiative or on application of the tenant, may order a decrease in the amount of such deposit or may order its elimination.

(ii) Renting on or after effective date of regulation. Where the maximum rent of the housing accommodations is established under section 4 (b) or (c) by a renting on or after the effective date of regulation, no security deposit shall be demanded, received, or retained.

(4) Maximum rent established under section 4 (d) or (f). Where the maximum rent of the housing accommodations is established under section 4 (d) or (f), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms-and conditions less burdensome to the tenant) as provided in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations are first rented after September 1, 1944, no security deposit shall be demanded, received, or retained.

shall be demanded, received, or retained.

(5) Deposits to secure the return of certain movable articles. Notwithstanding the preceding provisions of this paragraph (c), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles such as keys and ice trays. If the landlord shows that he has a special need therefor, the Administrator may enter an order authorizing a security deposit, not in ex-

<sup>&</sup>lt;sup>1</sup>8 F.R. 14043, 16033; 9 F.R. 3422, 5003, 8054.

cess of ten dollars to secure the return of the movable articles specified in the order.

- 3. Section 13 (a) (11) is amended to read as follows:
- (11) "Rent" means the consideration, including any bonus, benefit, or gratuity demanded or received for or in connection with the use or occupancy of a room or the transfer of a lease of such room.

This regulation shall become effective September 1, 1944.

Note: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

- Issued this 29th day of August 1944.

James G. Rogers, Jr., Acting Administrator.

[F. R. Doc. 44-13147; Filed, August 29, 1944; 5:04 p. m.]

PART 1388-DEFENSE-RENTAL AREAS

[Hotels and Rooming Houses, New York City Area, 1 Amdt. 12]

PROHIBITION AGAINST HIGHER THAN MAXI-

Rent Regulation for Hotels and Rooming Houses in the New York City Defense-Rental Area is amended in the following respects:

- 1. Section 2 (a) is amended to read as follows:
- (a) Prohibition against higher than maximum rents. Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for or in connection with the use or occupancy on and after November 1, 1943 of any room in a hotel or rooming house within the Defense-Rental Area higher than the maximum rents provided by this regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this regulation may be demanded or received.
- 2. Section 2 (c) is added to read as follows:
- (c)- Security deposits—(1) General prohibition. Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person on or after September 1, 1944 shall demand or receive a security deposit for or in connection with the use or occupancy of any room in a hotel or rooming house within the Defense-Rental Area or retain any security deposit received prior to or on or after September 1, 1944 except as provided in this paragraph (c). The term "security deposit," in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month.

(2) Maximum rent established under section 4 (a). Where the maximum rent of the housing accommodations is established under section 4 (a), no security deposit shall be demanded, received or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent.

(3) Maximum rent established under section 4 (b) or (c)—(i) Renting prior to effective date of regulation. Where the maximum rent of the housing accommodations is established under section 4 (b) or (c) by a renting prior to the effective date of regulation, no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement under which the accommodations were first rented or in any order heretofore or hereafter issued with reference to such security deposit. Where such lease or other rental agreement provided for a security deposit, the Administrator at any time, on his own initiative or on application of the tenant. may order a decrease in the amount of such deposit, or may order its elimination.

(ii) Renting on or after effective date of regulation. Where the maximum rent of the housing accommodations is established under section 4 (b) or (c) by a renting on or after the effective date of regulation, no security deposit shall be demanded, received, or retained.

(4) Maximum rent established under section 4 (d) or (f). Where the maximum rent of the housing accommodations is established under section 4 (d) or (f), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) as provided in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations are first rented after September 1, 1944, no security deposit shall be demanded, received, or retained.

(5) Deposits to secure the return of certain movable articles. Notwithstanding the preceding provisions of this paragraph (c), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles such as keys and ice trays. If the landlord shows that he has a special need therefor, the Administrator may enter an order authorizing a security deposit, not in excess of ten dollars to secure the return of the movable articles specified in the order.

- 3. Section 13 (a) (11) is amended to read as follows:
- (11) "Rent" means the consideration, including any bonus, benefit, or gratuity demanded or received for or in connection with the use or occupancy of a

room or the transfer of a lease of such room.

This regulation shall become effective Eaptember 1, 1944.

Note: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1842.

Issued this 29th day of August 1944.

JAMES G. ROGERS, Jr., Acting Administrator.

[F. R. Doc. 44-13146; Filed, August 29, 1944; 5:04 p. m.]

PART 1388—DEFENSE-RENTAL AREAS [Housing, Amdt. 33]

PROHIBITION AGAINST HIGHER THAN MAXI-21021 RENTS

Rent Regulation for Housing is amended in the following respects:

- 1. Section 2 (a) is amended to read as follows:
- (a) General prohibition. Regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for or in connection with the use or occupancy on and after the effective date of regulation of any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by this regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents that those provided by this regulation may be demanded or received.
- 2. Section 2 (d) is added to read as follows:
- (d) Security deposits (1) General prohibition. Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person on or after September 1, 1944 shall demand or receive a security deposit for or in connection with the use or occupancy of housing accommodations within the Defense-Rental Area or retain any security deposit received prior to or on or after September 1, 1944 except as provided in this paragraph (d). The term "security deposit," in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month.
- (2) Maximum rent established under section 4 (a) or (b). Where the maximum rent of the housing accommodations is established under section 4 (a) or (b), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lesse or other rental agreement in effect

<sup>&</sup>lt;sup>1</sup>8 F.R. 15581, 16219, 16893; 9 F.R. 2086, 3422, 5003.

<sup>19</sup> P.R. 5807, 5915, 6359, 6569, 6319, 7329, 8054.

on the date determining the maximum rent.

- (3) Maximum rent established under section 4 (c) or (d). Where the maximum rent of the housing accommodations is established under section 4 (c) or (d) no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement under which the accommodations were first rented or in any order heretofore or hereafter issued with reference to such security deposit. Where such lease or other rental agreement provided for a security deposit, the Administrator at any time, on his own initiative or on application of the tenant, may order a decrease in the amount of such deposit or may order its elimination.
- (4) Maximum rent established under section 4 (e), (f) or (j). Where the maximum rent of the housing accommodations is established under section 4 (e), (f) or (j), no security deposit shall be demanded, received, or retained.
- (5) Maximum rent established under section 4 (g) or (h). Where the maximum rent of the housing accommodations is established under section 4 (g) or (h), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations are first rented after September 1, 1944, no security deposit shall be demanded, received, or retained.
- (6) Deposits to secure the return of certain movable articles. Notwithstanding the preceding provisions of this paragraph (d), any landlord may petitiom for an order authorizing the demand and receipt of a deposit to secure the return of movable articles such as keys and ice trays. If the landlord shows that he has a special need therefor, the Administrator may enter an order authorizing a security deposit, not in excess of ten dollars, to secure the return of the movable articles specified in the order.
- 3. Section 13 (a) (10) is amended to read as follows:
- (10) "Rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for or in connection with the use or occupancy of housing accommodations or the transfer of a lease of such accommodations.

This amendment shall become effective September 1, 1944.

Note: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 29th day of August 1944.

JAMES G. ROGERS, Jr., Acting Administrator.

[F. R. Doc. 44-13142; Filed, August 29, 1944; 5:04 p. m.]

PART 1388—DEFENSE-RENTAL AREAS [Housing, Atlantic County Area, Amdt. 3] PROHIBITION AGAINST HIGHER THAN MAXIMUM RENTS

Rent Regulation for Housing in the Atlantic County Defense-Rental Area is amended in the following respects:

- 1. Section 2 (a) is amended to read as follows:
- (a) General prohibition. Regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for or in connection with the use or occupancy on and after the effective date of regulation of any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by this regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this regulation may be demanded or received.
- 2. Section 2 (d) is added to read as follows:
- (d) Security deposits—(1) General prohibition. Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person on or after September 1, 1944 shall demand or receive a security deposit for or in connection with the use or occupancy of housing accommodations within the Defense-Rental Area or retain any security deposit received prior to or on or after September 1, 1944 except as provided in this paragraph (d). The term "security deposit," in addition to its customary meaning, includes any prepayment of rent except in advance of the next periodic installment of rent for a period no longer than one month.

(2) Maximum rent established under section 4 (a) or (b). Where the maximum rent of the housing accommodations is established under section 4 (a) or (b), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent.

(3) Maximum rent established under section 4 (c) or (d). Where the maximum rent of the housing accommodations is established under section 4 (c) or (d) no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement under which the accommodations were first rented or in any order heretofore or hereafter issued with reference to such security deposit. Where such lease or other rental agreement provided for a security deposit, the Administrator at any time, on his own initiative or on application of the tenant

may order a decrease in the amount of such deposit or may order its elimination.

(4) Maximum rent established under section 4 (e), (f) or (i). Where the maximum rent of the housing accommodations is established under section 4 (e), (f) or (i), no security deposit shall be demanded, received, or retained.

(5) Maximum rent established under section 4 (g) or (h). Where the maximum rent of the housing accommodations is established under section 4 (g) or (h), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations are first rented after September 1, 1944, no security deposit shall be demanded, received, or retained.

manded, received, or retained.

(6) Deposits to secure the return of certain movable articles. Notwithstanding the preceding provisions of this paragraph (d), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles such as keys and ice trays. If the landlord shows that he has a special need therefor, the Administrator may enter an order authorizing a security deposit, not in excess of ten dollars, to secure the return of the movable articles specified in the order.

- 3. Section 13 (a) (10) is amended to read as follows:
- (10) "Rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for or in connection with the use or occupancy of housing accommodations or the transfer of a lease of such accommodations.

This amendment shall become effective September 1, 1944.

Note: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 29th day of August 1944.

James G. Rogers, Jr., Acting Administrator.

[F. R. Doc. 44-13148; Filed, August 29, 1944; 5:04 p. m.]

PART 1388—DEFENSE-RENTAL AREAS ' [Housing, Miami Area, Amdt. 9]

PROHIBITION AGAINST HIGHER THAN MAXI-MUM RENTS

Rent Regulation for Housing in the Miami Defense-Rental Area is amended in the following respects:

- 1. Section 2 (a) is amended to read as follows:
- (a) General prohibition. Regardless of any contract, agreement, lease, or other obligation heretofore or hereafter

<sup>&</sup>lt;sup>1</sup>9 F.R. 6819, 8054.

<sup>&</sup>lt;sup>2</sup> 8 F.R. 13118, 14047, 16033; 9 F.R. 3423, 4028, 6360, 7168, 8053.

entered into, no person shall demand or receive any rent for or in connection with the use or occupancy on and after November 1, 1943 of any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by this regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this regulation may be demanded or received.

- 2. Section 2 (d) is added to read as follows:
- (d) Security deposits—(1) General prohibition. Regardless of any contract. agreement, lease or other obligation heretofore or hereafter entered into, no person on or after September 1, 1944 shall demand or receive a security deposit for or in connection with the use or occupancy of housing accommodations within the Defense-Rental Area or retain any security deposit received prior to or on or after September 1, 1944, except as provided in this paragraph (d). The term "security deposit," in addition to its cus-tomary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month.
- (2) Maximum rent established under section 4 (a). Where the maximum rent of the housing accommodations is established under section 4 (a), no security deposit shall be demanded, received or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent.

(3) Maximum rent established under section 4 (b), (c) or (f). Where the maximum rent of the housing accommodations is established under section 4 (b), (c) or (f), no security deposit shall be demanded, received, or retained:

(4) Maximum rent established under section 4 (d) or (e). Where the maximum rent of the housing accommodations is established under section 4 (d) or (e), no security deposit shall be demanded, received or retained except in the amount (or lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations are first rented after September 1, 1944, no security deposit shall be demanded, received or retained.

(5) Deposits to secure the return of certain movable articles. Notwithstanding the preceding provisions of this paragraph (d), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles such as keys and ice trays. If the landlord shows that he has a special need therefor, the Administrator may enter an order authorizing a security deposit, not in excess of ten dollars, to secure the return of the movable articles specified in the order.

3. Section 13 (a) (10) is amended to read as follows:

(10) "Rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for or in connection with the use or occupancy of housing accommodations or the transfer of a lease of such accommodations,

This amendment shall become effective September 1, 1944.

Note: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 29th day of August 1944.

JAMES G. ROGERS, Jr., Acting Administrator.

[F. R. Doc. 44-13144; Filed, August 23, 1944; 5:01 p. m.]

PART 1388—DEFENSE-RENTAL AREAS [Housing, New York City Area, Amdt. 11] PROHIBITION AGAINST HIGHER THAN MAXIMUM RENTS

Rent Regulation for Housing in the New York City Defense-Rental Area is amended in the following respects:

1. Section 2 (a) is amended to read as follows:

- (a) General prohibition. Regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for or in connection with the use or occupancy on and after November 1, 1943 of any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by this regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this regulation may be demanded or received.
- 2. Section 2 (d) is added to read as follows:
- (d) Security deposits—(1) General prohibition. Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person on or after September 1, 1944 shall demand or receive a security deposit for or in connection with the use or occupancy of housing accommodations within the Defense-Rental Area or retain any security deposit received prior to or on or after September 1, 1944 except as provided in this paragraph (d). The term "security deposit," in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month.
- (2) Maximum rent established under section 4 (a) or (b). Where the maximum rent of the housing accommodations is established under section 4 (a) or (b), no security deposit shall be de-

manded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent.

(3) Maximum rent established under section 4 (c) or (d). Where the maximum rent of the housing accommodations is established under section 4 (c) or (d) no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement under which the accommodations were first rented or in any order heretofore or hereafter issued with reference to such security deposit. Where such lease or other rental agreement provided for a security deposit, the Administrator at any time, on his own initiative or on application of the tenant, may order a decrease in the amount of such deposit or may order its elimination.

(4) Maximum rent established under section 4 (e) or (f). Where the maximum rent of the housing accommodations is established under section 4 (e) or (f), no security deposit shall be demanded, received, or retained.

(5) Maximum rent established under section 4 (g) or (h). Where the maximum rent of the housing accommodations is established under section 4 (g) or (h), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations are first rented after September 1, 1944, no security deposit shall be demanded, received, or retained.

(6) Deposits to secure the return of certain morable articles. Notwithstanding the preceding provisions of this paragraph (d), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles such as keys and ice trays. If the landlord shows that he has a special need therefor, the Administrator may enter an order authorizing a security deposit, not in excess of ten dollars, to secure the return of the movable articles specified in the order.

3. Section 13 (a) (10) is amended to read as follows:

(10) "Rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for or in connection with the use or occupancy of housing accommodations or the transfer of a lease of such accommodations.

This amendment shall become effective September 1, 1944.

Note: All reporting and record-heeping requirements of this amendment have been approved by the Bureau of the Budget in

<sup>&</sup>lt;sup>1</sup>8 F.R. 13914, 14814, 15586, 16219; 9 F.R. 2087, 3423, 4028, 6360, 8054.

accordance with the Federal Reports Act of and "purchaser," shall be construed ac-

Issued this 29th day of August 1944.

JAMES G. ROGERS, Jr., Acting Administrator.

[F. R. Doc. 44-13145; Filed, August 29, 1944; 5:04 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,1 Amdt. 52]

#### PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Appendix A of Revised Ration Order 13 is amended in the following respect:

The item "Pickles; relishes; pickled onions, tomatoes and watermelon; cocktail onions, mushrooms and oranges: and spiced cantaloupe and watermelon" is amended to read as follows:

Pickles; relishes; pickled or spiced green tomatoes; cocktail mushrooms.

This amendment shall become effective August 29, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; War Food Order No. 56, 8 F.R. 2005, 9 F.R. 4319, and War Food Order No. 58, 8 F.R. 2251, 9 F.R. 4319)

Issued this 29th day of August 1944.

JAMES G. ROGERS, Jr., Acting Administrator.

JF. R. Doc. 44-13149; Filed, August 29, 1944; 5:02 p. m.]

## PART 1305—ADMINISTRATION [Supp. Order 94, Amdt. 1]

SALES BY GOVERNMENT AGENCIES AND RESALES BY CERTAIN BUYERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Supplementary Order 94 is amended in the following respects:

- 1. Section 17 (f) is amended to read as follows:
- (f) "Sell" includes sell, supply, dispose, barter, exchange, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase,"

cordingly.

- 2. Section 18 (a) is amended to read as follows:
- (a) In general. The provisions of this supplementary order as to Government agencies shall supersede the provisions of all maximum price regulations and supplementary orders previously issued (except those listed in subparagraph (1) herein) to the extent that they are inconsistent with or contrary to any provisions of this supplementary order.
- (1) The following supplementary orders are not superseded by this Supplementary Order 94, but remain in full force and effect:

Revised Supplementary Order 10-Judicial Sales.

Supplementary Order 27-Sales by Certain Stores Operated or Regulated by the War Department or the Department of the Navy.

Supplementary Order 46—Exemption of Auction Sales of Contents of Dead Letters or Packages by Post Office Department.

Supplementary Order 88—Exemption of Seized, Unclaimed Abandoned Commodities sold at Auction by the Bureau of Customs.

This amendment shall become effective September 1, 1944.

Issued this 30th day of August 1944.

JAMES G. ROGERS, Jr., Acting Administrator.

[F. R. Doc. 44-13175; Filed, August 30, 1944; 11:14 a. m.]

PART 1307-RAW MATERIALS FOR COTTON Textiles

[RPS 7,1 Amdt. 14]

COMBED COTTON YARNS AND THE PROCESSING THEREOF

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Revised Price Schedule No. 7 is amended in the following respects:

- 1. In § 1307.1 (c), the reference to §"1307.12 (d) (4) (vi)" is changed to § "1307.12 (c) (4)".
- 2. Section 1307.1 (d) (2) is amended to read as follows:
- (2) The provisions of Revised Price Schedule No. 7 shall not apply to:
  - (i) Retail sales of combed yarn,
- (ii) Sales or purchases of Nos. 56s and finer 2 ply mercerized or gassed grey yarn imported from England and sold exclusively for use by hosiery manufacturers.
- (iii) Sales or deliveries which are covered by the Second Revised Maximum Export Price Regulation.2
- (iv) Sales or purchases of No. 140/1 mule spun yarn put up on cops and imported from England.

- 3. In § 1307.9 (b), "120s" is changed to "140s".
  - 4. Section 1307.9 (d) is revoked.
- 5. In § 1307.9 (g), the specifications for "ply" are amended to read "singles and plied," and the specifications for "cotton content" are amended to read as follows:

Cotton content—American cotton which, according to the respective count, does not exceed the following staple lengths:

	Staple
Yarn numbers:	length
8s to 24s	«1½n"
25s to 30s	
31s to 44s	11/4"
45s to 54s	15/33"
55s to 70s	
71s to 80s	1752"
81s to 90s	114"
91s to 100s	19in"
101s to 120s	1%"
121s and up	1710''

6. Section 1307.12 is amended to read as follows:

§ 1307.12 Appendix A: Maximum prices for combed yarns and for mercerizing, bleaching and/or gassing thereof— (a) Terms of sale—(1) Freight—(1) Sales and deliveries by producers. As applied to sales and deliveries by the producer, the maximum prices established herein include freight up to one cent per pound to the purchaser's place of business. The producer may require the purchaser to pay any freight in excess of one cent per pound. If the producer does not pay the freight, the maximum prices shall be that shown herein less freight (up to one cent per pound) at the lowest published rate. In the case of sales or deliveries for export, if export is by sea, the seaport from which the yarn is shipped, or, if export is over-land, the point at which the yarn leaves the United States, shall be regarded as the purchaser's place of business.

(ii) Sales and deliveries of stock yarn: As applied to sales and deliveries of stock yarn, the maximum prices established herein are prices f. o. b. the stock-yarn seller's shipping point.

(2) Discounts and commissions. The maximum prices established by Revised Price Schedule No. 7 are gross prices before any discounts are deducted and they include all commissions.

The maximum prices for combed yarns (as distinguished from those for commission mercerizing, bleaching, and/or gassing) established in paragraph (b) below, shall be discounted by 2 percent

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>19</sup> F.R. 3, 104, 574, 695, 765, 848, 1397, 1727, 1817, 1908, 2233, 2234, 2240, 2440, 2567, 2791, 3032, 3073, 3513, 3579, 3708, 3710, 3944, 3947, 4026, 4351, 4475, 4604, 4818, 4876, 5074, 5436, 5695, 5829, 6234, 6235, 6647, 6951, 7080, 7081, 7202, 7257, 7345, 7437, 7773.

<sup>&</sup>lt;sup>1</sup>7 FR. 1221.

<sup>&</sup>lt;sup>2</sup>8 FR. 4132, 5987, 7662, 9998, 15193; 9 FR. 1036, 5435, 5923, 7201, 9834.

<sup>6</sup> As used in Revised Price Schedule No. 7, the term "stock yarn" means combed yarn owned by a person independent of the producer thereof and stored in space (1) owned or leased by such person on February 1, 1942; (2) owned or leased by such person and located within 25 miles of his principal place of business; or (3) approved by the Administrator, upon a duly filed petition for adjustment or exception, as a stock-yarn warehouse established to carry out a legitimate distributive function and not for the purpose of evading Revised Price Schedule No. 7; the term "independent" means not controlling, controlled by, or under common control with.

where payment is made within 30 days of delivery.

(b) Maximum prices. The prices set forth below in Table I are maximum prices for sales of base-grade yarns. For a yarn number intermediate between any two appearing in Table I, the maximum price shall be that price obtained from this table by interpolation in accordance with the respective yarn numbers.

TABLE I—BASE-GRADE YARNS
[Cents per pound]

Yarn numbers	Singles	Plied
8s	49.00	51. 50
10s	49, 59	52.00
125	50.00	23.00
145	50.50	54, 00
169	51, 25	55,00
16s 18s	52.00	26.00
20s	53.00	57.00
225	54.00	58.50
245	55,00	60.00
26s	56.00	61.50
28s	57.50	63.50
30s	59,00	65.50
325	60.50	67.00
34s	62.00	69.00
36s	63.50	70.50
	65.00	72.00
385	66.50	74.00
40s	68.00	76.00
423	69.50	77.60
445	71.00	79.03
46s	73.00	81.00
485		
005	75.00	83.00
528	77.00	85.00
54s	79.00	87.00
56s	8L 00	89.69
58s	83.00	91, <i>5</i> 0 94,00
60s	85.00	
625	87.00	96.00
64s	C0.UU	28.00
66s	91.00	100.00
68s	93.00	102.25
70s	95.00	105.00
72s	97.00	107.00
74s	99.00	103.00
76s	101.00	111.00
78s	103.00	113.00
80s	105.00	115.00
825	107.00	118,00
848	110.00	122.00
86s	114.00	126.00
90s	122.00	136.00
100s	143.00	162.00
110s	165.00	185.00
120s	190.00	215.00
130s	225.00	260.00
140s	1 275.00	325.00
	l .	1

<sup>1 140/1</sup> mule spun yarn, put up on cops, and imported from England, is subject to the Maximum Import Price Regulation.

(c) Premiums. Where applicable, the premiums set forth below may be charged in addition to the maximum prices set forth in Table I above.

No premiums may be charged for any combed yarn except as permitted herein.

(1) Jobbers. (i) A jobber may:

(a) Sell to a given customer brokencase lots of combed yarn in quantities of 1,500 pounds or less per calendar month at a premium of 9 percent and

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in quantities in excess of 1,500 pounds per calendar month at a premium of 4.5 percent: *Provided*, That in no event shall sales of broken-case lots at a premium, irrespective of quantity per sale, exceed 15,000 pounds in any calendar month to all of the seller's customers.

(b) Sell combed yarn in lots of 1 to 3 unbroken cases at a premium of 4.5 percent: Provided, That except as set forth below no jobber may avail himself of this premium on that portion of his sales in any calendar month which is in excess of 3,000 pounds to the same customer or 20,000 to all his customers.

(ii) On lots of 1 to 3 unbroken cases, the following concerns may avail themselves of the premium set forth in (b) above on that portion of their respective sales of combed yarn in any calendar month which is not in excess of the amounts set forth below:

<b>N</b> аша	Permis- cible cible cible cible country given cuttom- er	Permissible amount to all custom-
Thes. D. Tey & Co., 118 Eact 27th St., New York, N. Y Ernet W. Hayward & Co., 497	Pounds 5,660	Pounds 60,660
Fourth Ave., New York, N. Y. Meyer & Reconstruen, Inc., 221-	3,600	40,000
N. Y.	639,3	<b>te.</b> 660

(2) High twist. For turns per inch exceeding the range provided for in the specifications for base-grade yarns, premiums may be charged in accordance with the following tables:

ericle twirt [All numbers begin inclusive]

Yern Nes.	Multiples 1 3.75 to 4.21	Multiples 4.25 to 4.74	Multiples 4.75 to 5.24	Multiplis 5.25 and up	
	Cents per pound				
Up to COS. 31s to 40s. 41s to 60s. 61s to 60s. 61s to 60s. 81s to 60s. 81s to 60s. 91s to 10s. 91s to 10s. 91s to 10s.	.25 .70 .85 1.00	0.60 120 110 265 265 3.65 3.60 4.60	0.93 1.35 2.09 2.03 3.40 4.09 5.10 6.00 8.15	1.33 1.90 2.75 3.75 4.80 5.10 7.10 8.40 11.40	

<sup>&</sup>lt;sup>1</sup> As used in this table "multiple" means the quotient of the number of turns per inch divided by the square root of the yarn number.

## (All numbers berein inclusive)

Yern Nes.	Multiples <sup>2</sup> 3.75 to 4.21	Multiples 4.25 to 4.74	Multiples 4.75 to 5.24	Multiples 6.25 and up		
		Cents per pound				
Up to COs. 3is to 40s. 4is to 20s. 5is to COs. 6is to COs. 6is to TOs. 7is to 68s. 8is to 50s. 6is to IOS. 10is to IOOs. 10is and up.	.70 .70 1.15 1.45 1.75 2.10	0.50 .70 .83 1.15 1.50 1.80 2.20 2.00 3.15	0.65 -85 1.65 1.49 1.75 2.29 2.65 3.19 3.00	0.75 1.03 1.00 1.00 2.05 2.55 3.10 3.60 4.65		

If the single, as well as the plied, twist of a plied year exceeds that provided for in the base-grade specifications, the applicable premium set forth in the "Single Twist" Table above may be cherged in addition to the premium for plied twist set forth herein.

Is used in this table, "multiple" means the quatient of the number of turns per inch divided by the square root of the number of the single-year equivalent of the plied year.

(3) Put-up. For yarns in the following put-ups, premiums may be charged as indicated.

Put-up	Yorn Nes.	Fro- minm
Perforated dye tubes: Without rocks. With rocks. Cross-tied ekeins.	103 to 123 515 and up 103 to 123 615 and up 105 to 123 125 to 123 615 to 805 815 and up	Call 12 Call 1

(4) Mercerized, bleached, and/or gassed yarns and the mercerizing, bleaching and/or gassing of yarns. Table II states the premiums allowable for yarns which are mercerized, bleached and/or gassed. Table III states the maximum prices for the mercerizing, bleaching and/or gassing of yarns on a job or commission basis.

Winding and handling charges. The premiums and maximum prices set forth below include all charges for quilling, cone winding and special handling: Providing, That if the processor does not

<sup>&</sup>lt;sup>6</sup> As used herein, "jobber" means a person at least 75 percent of whose sales of combed yarn during the calendar month preceding any given transaction consisted of stock yarn sales. See footnote 1 for definition of "stock yarn".

<sup>&</sup>lt;sup>7</sup>As used herein the term broken case means a case from which at least 25 percent of the contents have been removed.

quill or wind his maximum price shall be the price specified herein less his customary charge <sup>5</sup> for quilling or winding.

Shrinkage allowance. Three per cent of the maximum price for the grey yarn may be added to the price of yarn which is bleached, except that no shrinkage allowance shall be permitted where plied yarn has been mercerized and bleached. The following percentages of the maximum price for the grey yarn may be added to the price of plied yarns which

have been gassed: For 50s and below, 2½ per cent; 51s to 90s, inclusive, 3 per cent; 91s to 110s, inclusive, 3½ per cent; 111s to 140s, inclusive, 4 per cent.

No shrinkage allowance may be added to the maximum prices for mercerizing,

bleaching and/or gassing.

Long chain bleaching done alone. The charges listed under this heading may be made only when bleaching is the sole finishing operation and when this is done on long chains.

TABLE II—PREMIUMS FOR YARN WHICH HAS BEEN MERCERIZED, BLEACHED AND/OR GASSED
[Cents per pound]

	Singles ·			Plied				
Yarn No.	Mercerizing	Bleaching done alone or in con- junction with mer- cerizing	Long chain bleaching done alone	Mercerizing	Mercerizing and bleaching	Bleaching done alone	Long chain bleaching done alone	Gassing
20s and below	26 20 31 33. 5 38 43 49 55 62 72 81 91 102	12 13. 5 15. 25 17 19 21. 25 23. 5 27. 5 30. 5 34. 5 38. 5 43. 5	15. 25 17 19 20. 5 21 23. 5 27. 5 32. 5 40 47 56 64 74	15 16. 75 18. 5 20 21 23 27 32. 5 40 47. 5 55 80	22 25 27. 5 29 30 33 39 44. 5 62. 5 70. 5 81. 5 98	12 13. 5 15. 25 17 19 21. 25 23. 5 27. 5 30. 5 33. 5 342. 6	15. 25 17 19 20. 5 21. 5 23. 5 27. 5 32. 5 40 47 55 65	3 3 3 4 4 5 5 6 7 7 8 9

TABLE III—MAXIMUM PRICES FOR MERCERIZING, BLEACHING AND/OR GASSING
[Cents per bound]

	-	Singles		,		Plied		
Yarn No.	Mercerizing	Bleaching done alone or in con junction with mer- cerizing	Long chain bleaching done alone	Mercerizing	Mercerizing and bleaching	Bleaching done alone	Long chain bleaching done alone	Gassing
20s and below	25 28 30 32 36.5 41 47 53 60 70 79 89	12 13. 5 15. 25 17 19 21. 25 23. 5 27. 5 30. 5 34. 5 38. 5 43. 5 49. 5	15. 25 17 19 20. 5 21. 5 27. 5 32. 5 47 55 64 74	13. 5 15. 16. 5 18. 19 20. 5 24 29 36 43 50 60 75	19 21. 5 25. 5 26. 5 28. 5 33. 5 45. 5 62. 5 73. 5	12 13. 5 15. 25 17 19 21. 25 23. 5 27. 5 30. 5 33. 5 42. 5	15, 25 17 19 20, 5 21, 5 27, 5 32, 5 40 47 55 65 85	3334455.8 677897

(5) Other premium yarns. (i) For plies or for put-ups other than, or for twist slacker than, those included in the definition of base-grade yarn, a premium not exceeding the additional cost, if any, over base-grade plies, put-ups, or twist, respectively, may be charged.

(ii) For combed yarns which, in order to meet breaking-strength or other requirements reasonably related to the use to which they are to be put, are made with American cotton of staple lengths greater than those provided for in the definition of base-grade yarn or of Sea Island, SXP, Pima, or Egyptian cotton, a premium not in excess of 130 per cent of the additional cost (as hereinafter defined) may be charged.

As used herein, the term "additional cotton cost" means the difference in cents per pound, adjusted for waste between

<sup>&</sup>lt;sup>9</sup> In adjusting for waste, the following net waste factors are to be used:

Cotton	Net waste
American:	factor
11/32''	1. 26
11/16" and 13/2"	
1 1/8" and 1 1/32"	1.31
1316" and 132"	1.33
11/4" to 11/52", incl	1.36
1%" and over	1.38.
Sea Island	1.43
SXP and Pima	1.35
Egyptian	1.33

the market value <sup>10</sup> of the specific kind, grade, and staple of cotton used or to be used in the premium yarn, and the market value <sup>11</sup> of strict middling American cotton of the staple length specified for the same yarn number in the definition of base-grade yarn.

(iii) In addition to the premium allowable under (ii) above, a premium of not more than six per cent of the maximum price exclusive of said premium may be charged for combed yarn sold to a manufacturer or converter thread for use solely in the manufacture of thread: Provided, That no premium may be charged hereunder unless the seller receives a written statement from the buyer (which the seller shall preserve for not less than two years) that the yarn is to be used solely in the manufacture of thread.

## 7. Section 1307.13 is amended to read as follows:

§ 1307.13 Appendix B: Maximum prices for the following imported English combed yarns when sold pursuant to a contract with a war procurement agency or a subcontract under a contract with a war procurement agency—(a) Terms of sale. The prices set forth in (b) (1) below are subject to terms of 2% 60 days.

(b) Maximum prices—(1) Prices prior to addition of importation charges—(1) Combed lace yarns gassed unprepared in skeins:

	Cen	ខេ
Yarn numbers:	per po	und
98/2		
120/2		179
140/2		

(ii) Combed label yarns gassed, bleached and prepared in skeins:

	Cents
Yarn numbers:	per pound
78/2	145
98/2	167
120/2	199
140/2	236
150/2	257
160/2	296
170/2	336
180/2	350

(2) Importation charges. Actual charges paid for import duty, import taxes, ocean freight, and war risk insurance may be added to the applicable maximum price for imported English yarn determined in accordance with this section: Provided, That the amount of such charges shall be separately set forth in an invoice or similar document delivered to the purchaser.

This amendment shall be effective as of June 30, 1944: *Provided*, That the provisions with respect to and the maximum

s In determining his maximum price for processed yarns in accordance with this subparagraph the processor who has not made a customary charge for quilling or winding shall subtract the cost he would normally incur for the cost of these operations. The processor shall compute this cost by giving due consideration not only to the direct labor cost which would be involved, but also to the overhead and other costs which he recognizes in his normal accounting procedure.

N as of the date the contract of sale of premium yarn is made.

<sup>&</sup>lt;sup>11</sup> Determination of the market values referred to herein shall be made from such weekly quotations, appropriately adjusted for location, as are or may hereafter be published by the War Food Administration, or, in the case of kinds, grades, and staples of cotton for which such quotations are not published, from actual quotations or sales made by brokers, shippers, or dealers customarily acting as sources of supply for such cotton.

prices established for yarn numbers 110 to 140 single and yarn numbers 130 to 140 ply listed in Table I of § 1307.12 shall be effective August 28, 1944: Provided further, That up to and including September 30, 1944 deliveries against contracts entered into prior to August 28, 1944 at an agreed firm price may be made at prices in conformity with the regulation or price schedule applicable to such contracts at the time they were made.

Issued this 28th day of August 1944.

James G. Rogers, Jr., Acting Administrator.

[F. R. Doc. 44-13049; Filed, August 28, 1944; 4:28 p. m.]

PART 1340—FUEL [MPR 88, Amdt. 17]

FUEL OIL, GASOLINE AND LIQUEFIED
PETROLEUM GAS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 88 is amended in the following respects:

- 1. Section 1.2 (a) (3) is amended to read as follows:
- (3) Sales between original suppliers made pursuant to assignments or reassignments under Petroleum Directive No. 59 of the Petroleum Administration for War unless for a transaction of this type a price shall be established either by an amendment hereafter made to the regulation or by an order in writing of the Price Administrator or his duly authorized representative.
- 2. Section 1.14 (n) is amended to read as follows:
- (n) "Schedule D area" means Schedule "D" area of Zone 6 of District 1 of Petroleum Administration for War and covers an area described as follows:

(1) The entire State of West Virginia with the exception of the Counties of: Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, Pendleton,

Randolph and Tucker.

- (2) The following counties or portions thereof in the State of Pennsylvania: Allegheny; Armstrong; Beaver; Butler; Cameron; Clarion; the township of Sandy in Clearfield County; the townships of Chapman, East Keating, Leidy, Noyes, and West Keating in Clinton County; Crawford; Elk; Erie; Fayette, Forest; Greene; Jefferson; Lawrence; McKean; Mercer; Potter; Tioga; Venango; Warren; Washington; and all of Westmoreland except the townships of Derry, Fairfield, Ligonier and St. Clair.
- (3) The following counties in the State of New York: Allegany, Cattaraugus, Chautauqua, Erie, Niagara, and Steuben.

- 3. Section 2.30 (d) (1) is amended in the following respects:
- a. In the table of prices "Alleghany" is corrected to read "Allegany".
- b. Maximum prices within the countles listed below are modified to read as follows:

Cents per

Cents ner

Within the county of:	rallon
Allegany	_ 9.7
Excepting: Townships of New Hud	
son, Belfast, Angelica, West Al	
mond and all townships north	
thereof	
Cattaraugus	. 9.7
Excepting: Townships of Cone	
wango, Napoli, Little Valley	<b>7.</b>
Great Valley, Humphrey, Ischua	
and all townships north there	
of	
Chautauqua	
Excepting: Townships of Sheridan	
Dunkirk, Hanover, Pomfret, Ark	
wright, Villenova, Cherry Creek	
Ellington, Charlotte, Stockton	13
Portland, Chautaugua, West	
field, Ripley, Mina, Sherman, and	
North Harmony	
Erle	_ 9.5
Excepting: Townships of Collins	
Concord, Eardinin	_ 9.9
Niagara	_ 9.6
Steuben	9.6
Excepting: Townships of Hornell	
ville, Hartsville, Greenwood	
West Union, Troupsburg, Jasper	
Canisteo, Howard, and Free	
mont	
111/11/	9.5
4 Continu DOC (a) (1) to amon	302 40

4. Section 2.36 (c) (1) is amended to the extent that maximum prices within the counties listed below are modified to read as follows:

	Gents per
Within the county of:	gallon
Allegheny	8.8
Armstrong	8.8
Beaver	
Butler	
Cameron	
Clarion	
Clearfield	9.8
Excepting: Township of Sandy_	
Clinton	9.8
Excepting: Townships of Ch	
man, East Keating, Leidy, No	•
and West Keating	
Crawford	
Elk	
Erie	8.8
Fayette	9.3
Forest	8.8
Greene	9.3
Jefferson	9.3
Lawrence	8.8
McKean	9.3
Mercer	
Potter	
Tioga	
Venango	
Warren	
Washington Westmoreland	
Excepting: Townships of De	
Fairfield, Ligonier and St. Cla	air. 9.8

- 5. Section 2,38 (a) is amended to the extent that .3 of a cent per gallon is deducted from each price listed in said section.
- 6. Section 3.4 (b) is amended as follows:
- a. The table is amended to read as follows with the footnotes and price

areas unchanged except as indicated for footnote 4 and Price Area K and K-1:

	Dollars p	et
Price area <sup>1</sup>	42-gallon ba	trrel 2
A		1.02
B		0.97
C		0.97
D		0,97
E		1.14
F		1.51
G		1.56
H2		1.74
I		1.77
J		1.95
K4		2.01
K-1		2.16
L		1.97
M		1.77
N		1.72
0		1.62
P		1.27
Q		1.22
F		1.15
S		0.92
		0.99
~	*******	0.96
<u>V</u>		1.36
w		1.07
h Fastnete / ic co	monded to rec	4

- b. Footnote 4 is amended to read as follows:
- \*On cales f. o. b. refineries and terminals within Price Area K for shipment to ultimate destinations in Petroleum Administration for War District 1 outside of such Price Area K, the maximum price shall be the price designated above less 15¢ per barrel.
- c. Price Area K description shall be amended to read as follows:

K comprises those counties or parts thereof which are within Schedule D area as defined in section 1.14 (n).

- d. The following is inserted between the description of Price Area K and the description of Price Area L:
- K-1 comprises the following counties of Ohlo: Lorain, Medina, Cuyahoga, Summit, Stark, Portage, Geauga, Lake, Ashtabula, Trumbull, Mahoning, and Columbiana.
- 7. Section 4.11 (d) is renumbered 4.23 (c) and amended to read as follows:
- (c) City of St. Louis. In the City of St. Louis the maximum delivered-at-destination price for 70-74 Octane ASTM gasoline delivered in tank cars and transport trucks to consumers shall be 7.385¢ per gallon.
- 8. Section 4.36 (a) is amended to read as follows:
- (a) Pittsburgh, Pennsylvania. In Pittsburgh, Pennsylvania, a refiner's maximum price for Ethyl Grade gasoline on sal2s in bulk lots to other refiners f. o. b. the refiner's shipping point shall be 9.3¢ per gallon, except that the maximum price on sales for shipment to ultimate destinations in Petrgleum Administration for War District One outside of the Schedule D area, as defined in section 1.14 (n), shall be 8.7¢ per gallon.
- 9. The heading of Article VI is amended to read as follows:
- ARTICLE VI—INCREASES OR REDUCTIONS TO MAXIMUM PRICES DETERMINED UNDER ARTICLE VIII V OR ESTABLISHED UNDER ARTICLE VIII
- 10. The heading of section 6.3 is amended to read as follows: "On sales of

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

distillate and distillate type fuels and fuel oils" and section 6.3 (a) (1) is amended to read as follows:

(1) Within the area, generally; at all selling levels—(i) Increases to maximum prices determined under Article V. Except as provided in subparagraph (2) below, within the states or portions thereof listed below the amount designated below may be added to a maximum price determined under Article V for any distillate or distillate type fuel or fuel oil having a viscosity below 85 Seconds Saybolt Universal (100° F.) including but not limited to the following: kerosene. No. 1 fuel oil and range oil, tractor fuel, gas house oils, distillate diesel fuels. Nos. 2, 3 and 4 fuel oils, standard light gas oil, gas house standard light gas oils, and Mirando and Mirando type crude oil when sold as No. 4 fuel oil or for other distillate fuel oil use.

	Cents per be ac	gallon to ided
State or portion thereof	Kerosene, No. 1 fuel oil or range oil	Any other fuel or fuel oil described above
Connecticut Delaware. Florida (cast of the Apalachicola River) Georgia Maine Maryland Maryland Massachusetts New Hampshire New Jersey New York Excepting Schedule D area North Carolina. Pennsylvania Excepting Schedule D area Rhode Island South Carolina Vermont Virginia West Virginia West Virginia Excepting Schedule D area District of Columbia	11.11.11.11.11.11.11.11.11.11.11.11.11.	1.55 1.00 1.55 1.50 1.50 1.50 1.50 1.50

(ii) Reductions to certain maximum prices established under Article VIII. Except as hereunder provided in subparagraph (2), within the areas listed below, maximum prices established prior to September 1, 1944, under Article VIII for any of the products listed in (i) above shall be reduced as follows:

Reduct	Reduction	
in cents	per	
Area: gallo	n	
Schedule D area	. 5	
North Carolina	.3	
South Carolina		
Georgia	. 5	
Florida (east of the Apalachicola		
River)	. 5	

- 11. Section 6.4 (a) (1) is amended to read as follows:
- (1) Within the area, generally; at all selling levels—(i) Increases to maximum prices determined under Article V. Except as provided in subparagraph (2) below and except at the shipping points. designated in section 3.4, there may be added within the States of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania,¹ Rhode Island, South Carolina, Vermont, Virginia, West Virginia,¹ and the District of Columbia, the sum of 30 cents per barrel to a maximum price determined under Article V for any residual or residual type fuel oils having a viscosity of 85 seconds Saybolt Universal (at 100° F.) and above including but not limited to Nos. 5 and 6 fuel oils, bunker C, Navy grade, residual and diesel fuel oils, residuum gas oil, heavy gas oil, heavy gas enrichment oil, gas house heavy oil, N. E. gas enrichment oil, S. W. gas oil, Admiralty fuel oil, Navy special fuel oil, Mirando and Mirando type crude when sold as No. 5 or other residual fuel oil or as a heavy gas enrichment oil.
- (ii) Reductions to certain maximum prices established under Article VIII. Except as provided in subparagraph (2) below, within Schedule D area maximum prices established prior to September 1, 1944, under Article VIII for any of the products listed in (i) above shall be reduced 15¢ per barrel.
- 12. Sections 6.5 (a) (1) and (a) (2) are revoked. Section 6.5 (a) (3) is renumbered 6.5 (a) (2) and 6.5 (a) (1) is added to read as follows:
- (1) Within the area, generally, at all selling levels—(1) Increases to maximum prices determined under Article V. Except as hereunder provided in subparagraph (2), within the states or portions thereof listed below the amount designated below may be added to a maximum price determined under Article V for deliveries of gasoline.

Cent	
State or portion thereof: go	illon
State or portion thereof: go Connecticut	1.2
Delaware	1.2
Florida (east of the Apalachicola	
River)	• 6
Georgia	6
Maine	
Maryland	1.2
Massachusetts	1.2
New Hampshire	1.2
New Jersey	1 2
New York	1 0
Excepting Schedule D area	
North Carolina	.8
Pennsylvania	1.2
Excepting Schedule D area	

<sup>&</sup>lt;sup>1</sup>In Schedule D area add 15¢ instead of 30¢.

Cents	
State or portion thereof—Con. go	llon
State or portion thereof—Con. go Rhode Island	1.2
South Carolina	
Vermont	
Virginia	1.2
West Virginia	
Excepting Schedule D area	. 6
District of Columbia	1.2

(ii) Reductions to certain maximum prices established under Article VIII. Except as hereunder provided in subparagraph (2), within the areas listed below maximum prices established prior to September 1, 1944, under Article VIII for any of the products listed in (i) above shall be reduced as follows:

Area:	Reductions in cents per gallon	
Schedule D area		
North Carolina	4	
South Carolina		
Georgia Florida (east of th	,3	
River)		

This amendment shall become effective September 1, 1944.

Issued this 28th day of August 1944.

James G. Rogers, Jr., Acting Administrator.

[F. R. Doc. 44-13053; Filed, August 28, 1944; 4:30 p. m.]

PART 1340—FUEL [RMPR 137, Amdt. 5]

PETROLEUM PRODUCTS SÓLD AT RETAIL ESTABLISHMENTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Revised Maximum Price Regulation No. 137 is amended in the following respects:

- 1. The title of section 11 is amended to read: "Increases and reductions in maximum prices," the title to section 11 (b) is amended to read "Increases and reductions in maximum prices of particular products in designated areas," and the title to section 11 (b) (1) is amended to read: "Area increases and reductions."
- 2. Section 11 (b) (1) (i) is amended to read as follows:
- (i) Eastern Seaboard increases and reductions. The following table sets forth an amount per gallon for specified areas and products which shall be added to or subtracted from March 1942 prices for each specified product in arriving at a maximum price under section 10 (a) (1).

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

	Amount of increase or decrease in cents per gallen					
,	Gaselino		Keresene and No.	rango oll I fuel oll	No. 2 fa Dicca	cloffend dfucl
	Increase	Decrease	Increase	Decreases	Increase	Decrease
Connecticut	0.4 0.1 0.4 0.4 0.4 0.4 0.4 0.4 0.4		1.7 1.2 1.2 1.7 1.7 1.7 1.7 1.7		1.4 0.0 0.0 1.4 1.4 1.4 1.4	
Rhode Island. South Carolina Vermont. Virginia West Virginia	0.4 0.0 0.4 0.4	0.2	1.2 1.7 1.4 1.7 1.7		0.9 1.4 1.1 1.4 1.4 0.9	
Excepting the Counties of Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, Pendleton, Randolph, and Tucker. District of Columbia. Corporate limits Bristol, Tennessee.	1 0.4		1.7 1.7 1.7	**********	1.4 1.4 1.4	

This amendment shall become effective September 10, 1944.

Issued this 28th day of August 1944.

James G. Rogers, Jr., Acting Administrator.

[F. R. Doc. 44-13052; Filed, August 28, 1944; 4:29 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PROD-UCTS, PRINTING AND PUBLISHING.

[MPR 266,1 Amdt. 10]

#### CERTAIN TISSUE PAPER PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 266 is amended in the following respects:

- 1. Section 1347.515 (b) (2) is amended to read as follows:
- (2) F. o. b. mill basis. Where shipments of toilet tissue are made on an f. o. b. mill basis the manufacturer's maximum price shall be a price computed in accordance with the provisions of paragraph (a) (1) of this section less the sum of \$0.60 per cwt., or the highest delivered price charged by the manufacturer during October 1 to October 15, 1941 for sales in the zone in which the manufacturer's mill is located less \$0.50 per cwt. The manufacturer may elect to use either one of the aforementioned methods of calculation.

On shipments to the Army, Navy or Lend-Lease Administration freight charges to the point of delivery may be added by the manufacturer to the resulting f. o. b. mill price, except that the f. o. b. mill price plus freight charges shall in no event exceed the prices charged by the manufacturer for deliveries during March 1942.2 On shipments to all other persons freight charges to the point of delivery may be added by the manufacturer to the resulting f. o. b. mill price: Provided, That, in no event shall such maximum price including freight charges exceed the manufacturer's maximum delivered price which would apply at the given destination under this regulation.

- 2. Section 1347.516 (b) (3) is amended to read as follows:
- (3) F. o. b. mill basis. Where shipments of paper towels are made on an f. o. b. mill basis the manufacturer's maximum price shall be a price computed in accordance with the provisions of paragraph (a) (1) of this section less the sum of \$0.60 per cwt., or the highest delivered price charged by the manufacturer during October 1 to October 15, 1941, for sales in the zone in which the manufacturer's mill is located less \$0.50 per-cwt. The manufacturer may elect to use either one of the aforementioned methods of calculation.

On shipments to the Army, Navy or Lend-Lease Administration freight charges to the point of delivery may be added by the manufacturer to the resulting f. o. b. mill price, except that the f. o. b. mill price plus freight charges shall in no event exceed the prices charged by the manufacturer for de-

liveries during March 1942. On shipments to all other persons freight charges to the point of delivery may be added by the manufacturer to the resulting f. o. b. mill price: Provided, That, in no event shall such maximum price including freight charges exceed the manufacturer's maximum delivered price which would apply at a given destination under this regulation.

This amendment shall become effective Sept. 4, 1944.

(56 Stat. 23, 765; Pub. Law 151, 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of August 1944.

James G. Rogers, Jr., Acting Administrator.

[F. R. Doc. 44-13176; Filed, August 30, 1944; 11:13 a. m.]

PART 1360—Motor Vehicles and Motor Vehicle Equipment

[RMPR 341, Amdt. 5]

MAXIMUM PRICES FOR USED COMMERCIAL MOTOR VEHICLES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Revised Maximum Price Regulation 341 is amended in the following respects:

1. The schedule of parcentages in section 7 is amended to read as follows:

	Percentages		
Model year	As is	Warranted	
1944, and 1943 and 1942 cold new in 1044, 1943, and 1942 cold new in 1943, 1942, 1944, 1944, 1973, 1973, 1973, 1973, 1974, 1975, 1975, 1975, 1974, 1975, 1974, 1975, 1974, 1975, 1974, 1975, 1974, 1975, 1974, 1975, 1974, 197	81 81 72 62 63 43 44 41 37	103 100 93 81 77 67 67 65 55	

<sup>\* 1983</sup> and lower model year vehicles take the percentege applicable to 1984.

## The warranty in section 8 is amended to read as follows:

## DEALER'S WARRANTY

The used vehicle described below is hereby warranted to be in good operating condition and to remain in such condition under normal use and service for a period of 30 days after delivery, or 1000 miles, whichever may first occur.

We agree, if said vehicle is delivered during the above period to our place of business, to make with reasonable promptness any repairs or replacements which may be necessary to its good operating condition in accordance with normal use and service, at a cost to the purchaser named below of not more than 50% of the normal charge for such repairs and replacements. Our normal charge is not in excess of OPA ceilings.

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>&</sup>lt;sup>1</sup>7 F.R. 9335, 10714; 8 F.R. 531, 2431, 4131, 7383; 9 F.R. 4090, 8145.

<sup>\*</sup>Except in the case of manufacturers who have been granted relief in accordance with former § 1347.510.

This warranty does not extend to tires, tubes, paint, glass, upholstery, or to any repairs or replacements made necessary by misuse, negligence, or accident.

Make of used vehicle\_\_\_\_\_\_ Model\_\_\_\_\_

(Name of dealer making sale)

Per

(Name of proper representative thereof and title)

(Address)

This amendment shall become effective September 4, 1944.

Issued this 30th day of August 1944.

James G. Rogers, Jr., Acting Administrator.

[F. R. Doc. 44-13178; Filed, August 30, 1944; 11:13 a. m.]

PART 1363—FEEDING STUFFS [MPR 552]

PET FOODS

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, that the maximum prices of pet foods, as established by the General Maximum Price Regulation, be continued in effect, as provided in this Maximum Price Regulation No. 552.

The Price Administrator has consulted with representative members of the industry, prior to the issuance of this regulator.

In the judgment of the Price Administrator, the maximum prices, here established, are generally fair and equitable, and they will further the purposes of the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and of Executive Orders Nos. 9250 and 9328.

A statement of the considerations involved in the issuance of this regulation has been issued, simultaneously herewith, and has been filed with the Division of the Federal Register.\*

MAXIMUM PRICE REGULATION 552-PET FOODS

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AUTHORITY: Secs. 1 to 18, inclusive (§ 1363.-151), issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681.

### ARTICLE I-GENERAL PROVISIONS

SECTION 1. Applicability. Except for those sales exempted by paragraph (a) of this section, this regulation shall apply to all sales within the United States and to all deliveries, whether immediate or future, pursuant to said sales, of the commodities covered hereby.

(a) Exempt sales—(1) Export sales. This regulation shall not apply to any export sale. The maximum price for such sales shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regu-

lation, as amended.1

- (2) Emergency purchases. This regulation shall have no application to any purchase by the United States or any of its agencies under such circumstances of emergency as to make immediate delivery imperative, and as to render it'impossible to secure, or unfair to require immediate delivery at the maximum price which would otherwise be applicable, if such purchases and deliveries are made pursuant to the provisions of section 4.3 (f) of Revised Supplementary Regulation No. 1 2 to the General Maximum Price Regulation, as amended; Provided, however, That the Administrator may, by order, waive the reporting of any part of the information required by section 4.3 (f) in connection with a particular purchase or group of purchases upon determining that such information may not reasonably be required under all the circumstances, and he may, in lieu thereof, require the reporting of other information more suited to the circumstances.
- (3) Pet foods containing fresh horsemeat. If one of the ingredients of a pet food is fresh horsemeat, this regulation shall not apply to any sales, thereof. Maximum prices for such sales shall be determined pursuant to the provisions of Maximum Price Regulation No. 367.

Sec. 2. Sales at other than maximum prices. (a) Regardless of any contract or obligation, no person shall sell or deliver, and no person shall, in the course of trade or business, buy or receive any of the commodities covered by this regulation, at prices above the maximum prices established by this regulation, nor shall any person agree, solicit, offer or attempt

\*9 F.R. 5169.

to do any of the foregoing: *Provided, however,* That certain agreements to raise prices are permissible, as provided for in subparagraph (1) of this section.

- (1) Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended. The authorization may be given by an order of the Administrator or of any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization.
- (b) Prices lower than the maximum prices established by this regulation, may, of course, be charged or paid.

SEC. 3. Evasion. Any method whereby a seller obtains greater consideration than the maximum price, or where he gives less than the consideration due the buyer for the maximum prices charged, is an evasion of this regulation and, therefore, prohibited, and any offer or agreement which accomplishes or attempts to accomplish such result is equally prohibited.

Sec. 4. Documents, records and reports. (a) Every seller, and every purchaser in the course of trade or business, shall keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of every sale and purchase covered by this regulation, including the date thereof, the name of the seller and purchaser, the kind and quality of the commodity, the price paid or received, the quantity sold or purchased and, in addition, records showing, as precisely as possible, the basis upon which he determined his maximum price for such sale.

The term "purchaser in the course of trade or business" includes, but is not limited to, commercially operated ken-

(b) Upon demand, every such person shall submit such records to the Office of Price Administration, and keep such further records as the Office of Price Administration may require from time to time, subject to the approval of the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(c) On each sale covered by this regulation, the seller shall give his customer an invoice or bill of sale which must show the seller's maximum price on the particular type and kind of sale, the sale price, the amount of any freight charges included in the sale price, and the quantity and type of the commodity sold; and

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>&</sup>lt;sup>1</sup>8 F.R. 4132, 5987, 7662, 9998.

<sup>\*9</sup> F.R. 8581, 8590, 4391, 4948.

<sup>48</sup> F.R. 4918, 5341, 6048, 10660; 9 F.R. 2299.

the seller shall retain a copy of said invoice for his records.

Sec. 5. Enforcement. Persons violating any provision of this regulation are subject to the license revocation and suspension provisions, civil enforcement actions, and criminal penalties as provided in the Emergency Price Control Act of 1942, as amended.

Sec. 6. Licensing. The provisions of Licensing Order No. 1 ticensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 7. Protests and petitions for amendment. Any person desiring to file a protest against, or seeking an amendment of, any provisions of this regulation may do so in accordance with the provisions of Revised Procedural Regulation No. 1, as amended, sissued by the Office of Price Administration.

Sec. 8. Definitions. When used in this regulation, the following terms shall have the following meanings:

(a) "United States" includes the 48 states and the District of Columbia.

- (b) "Person" means an individual, corporation, partnership, association or other organized group of persons, or the legal successor or representative of any of the foregoing, and includes the United States, or any other Government, or any political sub-division or agency of any of the foregoing.
- (c) "Processor" means with respect to any lot of pet foods, the primary manufacturer thereof.
- (d) "Wholesaler" and "retailer" mean with respect to any lot of pet foods, persons making "sales at wholesale" or "sales at retail" as the same are defined in the General Maximum Price Regulation. A processor maintaining a warehouse or store, separate from his manufacturing plant, may be a wholesaler or retailer if his sales fall within this definition.
- (e) "Private brand dealer" means, with respect to any lot of pet foods, any seller who has pet food manufactured for him by a processor, and resells them other than as a wholesaler or retailer.
- (f) "Your supplier" means the person from whom you buy a lot of pet foods.
  (g) "Your buyer" means the person

to whom you sell a lot of pet foods.

(h) "Closest competitor" means a person who normally buys or sells the same or similar quantities of pet food and who has the same or a similar credit standing.

(i) "Pet foods" means any mixture of two or more ingredients manufactured for feeding dogs, cats and other fourfooted fur bearing animals used as pets. The mixture cannot be made solely of ingredients from one primary grain product, nor can it contain fresh horsemeat. Different types of pet foods are defined in paragraphs (j), (k), (l) and (m) of this section.

"Moist pet foods" are those containing over 15 per centum of moisture content.

(k) "Frozen pet foods" are molst pet foods which are frozen, or semi-frozen.
(l) "Dehydrated pet foods" are molst

(1) "Dehydrated pet foods" are moist pet foods, artificially dried to a moisture content of 15 per centum, or less.

(m) "Dry pet foods" are all types of pet foods, as defined in paragraph (i) except those described in paragraphs (j), (k) and (l).

#### ARTICLE II-PRICING PROVISIONS

Sec. 9. Maximum prices of processors for sales to retailers. If you are a processor, and you sell pet foods to retailers, your maximum price shall be either:

(a) Your maximum price on the particular type and kind of sale, as the same was determined under the General Max-

imum Price Regulation, or

(b) If you so elect, your maximum price on the particular type and kind of sale as recalculated under section 12, hereof, Provided, however, That if you do not recalculate your maximum price on each type and kind of sale which you are then making within 30 days after the effective date of this regulation, you shall not, thereafter, make such a recalculation with respect to that type and kind of sale.

Sec. 10. Maximum prices of processors on new types of sales, or on new products. If you are a processor of pet foods, and your maximum prices for a particular type or kind of sale to retailers, or for the sale to retailers of a particular type and kind of product, has not been determined, as provided in section 9 of this regulation, then before making such a sale, you shall determine your maximum price in the manner set forth in section 12.

Sec. 11. Maximum prices of processors on sales to private brand dealers. (a) If you are a processor of pet foods, and you are making sales to private brand dealers, your maximum price on each type and kind of sale you make shall be your maximum price for such sale determined under the General Maximum Price Regulation.

However, if you so elect, you may recalculate your maximum price on any such sale in the manner provided for the recalculation of your maximum prices as set forth in section 12 of this regulation: *Provided*, That such recalculation must be made no later than 30 days after the effective date of this regulation.

- (b) If you made no previous sales of the particular type and kind to the buyer, your maximum price on the sale to him shall be your maximum price on the same type and kind of sale to his closest competitor.
- (c) If you made no previous sales, whatsoever, of the particular type and kind, your maximum price shall be the maximum price of your closest competitor on that type and kind of sale.

Sec. 12. Recalculation of processor's maximum prices. (a) If you are a proc-

essor of dry pet foods, you may recalculate your maximum prices on each type and kind of sale you make to retailers or private brand dealers, during the period ending 30 days after the effective date of this regulation, by adding:

(1) Your maximum price on the particular type and kind of sales as determined under the General Maximum

Price Regulation; and

(2) If your commodity is made by the same formula, as it was in March, 1942, the amount of all increases, since March, 1942, in the cost of ingredients and packaging materials: or

aging materials; or
(3) If you have changed your formula, since March 1942, the amount of the increases in the cost of ingredient and packaging materials used in your present formula, over their costs in March, 1942.

- (b) If you are a processor of moist or frozen pet foods, then during the period ending 30 days after the effective date of this regulation, if you elect to recalculate your maximum price, you shall file a verified application for the establishment of a new maximum margin on each type and kind of sale you make, with the Office of Price Administration, at Washington, D. C. The application shall set forth:
- D. C. The application shall set forth:

  (1) A description of the commodity for which a new maximum margin is sought; this shall include a description of the kind and amount of each ingredient contained in the commodity, the physical form in which it is sold, and the nature and degree of processing which is done on the product.

(2) The brand name.

- (3) The weight and type of the package.
- (4) The number of packages to a shipping unit.
- (5) The maximum margin requested, and the method used in computing the same.
- (6) An itemized breakdown of costs, involved in the preparation of the commodity as of the effective date of this regulation, computed according to your own system of accounts. This breakdown shall include ingredient and packaging materials costs, direct labor costs, factory overhead, and selling and administrative costs.

The Office of Price Administration shall establish a maximum margin for each type and kind of sale you make. The margin, so established shall be added to your ingredient and packaging materials cost, determined as of the effective date of this regulation, and the resultant sum shall be your maximum price.

(c) The following is the manner in which you shall determine ingredient and packaging materials costs as of the effective date of this regulation:

(1) If the price of the ingredients or packaging materials is subject to the General Maximum Price Regulation, or to a specific regulation, you shall use the maximum price to you, at your plant, in the quantities you normally purchase, from your customary supplier, as if you

<sup>&</sup>lt;sup>5</sup>8 F.R. 13240. <sup>6</sup>7 F.R. 8961; 8 F.R. 3533, 6173, 11806.

Copies of OPA Form 634-1059, the form on which this application shall be submitted, are obtainable at the District Offices of the Office of Price Administration.

had purchased them on the effective

date of this regulation.

(2) If the price of the ingredients or packaging materials is not controlled, you shall use their replacement cost to you at your plant, in the quantities you normally purchase from your customary supplier, as if you had purchased them on the effective date of this regulation.

(d) If you are a processor of dehydrated pet foods you may, at your option, recalculate your maximum prices on sales to retailers under either Paragraph

(a) or (b) of this section.

Sec. 13. Maximum prices of private brand dealers on sales to retailers. If you are a private brand dealer you shall determine your maximum price for each type and kind of sale you make to retailers:

(a) By adding to your maximum price on that type and kind of sale, as determined under the General Maximum Price Regulation, any lawful increase which your supplier elects to charge on his sale of the commodity to you pursuant to section 12 of this regulation; or

(b) If your maximum price for that type and kind of sale was not determined under the General Maximum Price Regulation, you shall file a verified application with the Office of Price Administration, at Washington, D. C., for the establishment of a maximum margin. Such application shall contain the information required to be filed by processors under section 12 (b) (1) to (5), and in addition, you shall set forth your supplier's maximum price on the sale of the commodity to you.

The Office of Price Administration shall establish a maximum margin for the particular type and kind of sale. The margin, so established, shall be added to your supplier's maximum price, and the resultant sum shall be your maximum

price.

Sec. 14. Maximum prices on sales to wholesalers. (a) If you are a processor of, or a private brand dealer in, pet foods, you shall determine your maximum price on sales to wholesalers by allowing the same discount under your maximum price to retailers, to each wholesaler which you allowed to him on the particular type and kind of sale, prior to the effective date of this regulation.

(b) If you did not make the particular type and kind of sale, prior to the effective date of this regulation, you shall give to your buyer the discount you allowed him on your most similar commodity, or if you sold no similar commodity, the discount allowed by your closest competitor,

on such a sale.

(c) If you sell to a new purchaser, you shall give him the discount which you allowed to his closest competitor, on the particular type and kind of sale, prior to the effective date of this regulation.

Sec. 15. Maximum prices of wholesalers and retailers. Wholesalers and retailers, making sales of pet foods, shall determine their maximum prices, pursuant to Maximum Price Regulations Nos. 421,8 422,9 423,10 whichever is applicable to him.

Sec. 16. Adjustment of prices to nearest quarter cent. Processors of and private brand dealers in pet foods shall, after determining their maximum price, on a particular type and kind of sale, adjust the same to the nearest five cents per shipping unit of sale. A shipping unit of sale shall have a minimum net weight of 20 pounds and a maximum net weight of 100 pounds.

Sec. 17. Notification of changes in maximum prices. With the first delivery of any commodity covered by this regulation, after a seller changes a maximum price pursuant to any provision of this regulation or of any amendment thereto he shall:

(a) Supply each wholesaler and retailer subject to the provisions of Maximum Price Regulation Nos. 421, 422 or 423, who purchases from him with written notice as set forth below:

(Insert date)

NOTICE TO WHOLESALERS AND RETAILERS SUB-JECT TO MAXIMUM PRICE REGULATION NO. 421, 422 OR 423.

Our OPA ceiling price for (describe item by kind, variety, brand and container type and size) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation No. 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery, of it to you from your customary type of supplier containing this notification on or after (insert date when new price becomes effective). You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulation No. 421, 422 or 423, whichever is applicable to you.

. For a period of 60 days after making such change in the maximum price of an item, and with the first shipment after the 60-day period to each person who has not made a purchase within that time, the seller shall give the written notice set forth above by attaching it to, or writing it on, the invoice issued in connection with the transaction, and by firmly attaching it to the case or carton in which the commodity is shipped.

(b) Notify each purchaser of the item from him who is a distributor, wholesaler or retailer not subject to Maximum Price Regulation No. 421, 422 or 423 of such change in maximum price by the following written notice attached to or written on the invoice issued in connection with his first transaction with such purchaser after the new price becomes effective:

Notice to Distributors, Wholesalers of Retailers Not Subject to Maximum Price Regulations No. 421, 422 of 423

Our OPA ceiling price for (describe item by kind, variety, brand and container type and size) has been changed from \$\_\_\_\_\_ to \$\_\_\_\_ under the provisions of Maximum Price Reg-

ulation No. 552. You are required to notify all wholesalers and retailers for whom you are the customary type of supplier, purchasing the item from you after (insert date when new price becomes effective), of any allowable change in your maximum price. This notice must be made in the manner prescribed in section 17 of Maximum Price Regulation No. 552.

Sec. 18. Addition of freight charges. If the seller's maximum price, determined under the General Maximum Price Regulation, did not include freight charges, then he may add actual freight charges incurred to his maximum price, or if he uses a zone freight basis in making sales, he may add to his maximum price, the average freight charge for the zone.

Note: The reporting and record keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation shall become effective on September 4, 1944.

Issued this 30th day of August 1944.

James G. Rogers, Jr., Acting Administrator.

[F. R. Doc. 44–13179; Filed, August 30, 1944; 11:12 a. m.]

PART 1381—PRIMARY FOREST PRODUCTS AND WOOD PRESERVATION

[RMPR 161,1 Amdt. 16] WEST COAST LOGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal

Register.\*
In Appendix B.

T. R. Lewis, c/o Umpqua Hotel, Roseburg, Oregon.

is added to the list of "Approved scalers and graders."

This amendment shall become effective September 4, 1944.

Issued this 30th day of August 1944.

James G. Rogers, Jr., Acting Administrator.

[F. R. Doc. 44-13180; Filed, August 30, 1944; 11:14 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 11,2 Amdt. 24]

FUEL OIL

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

<sup>8 8</sup> F.R. 9388, 10569, 10987, 13293.

<sup>°8</sup> F.R. 9395, 10569, 10987, 12443, 12611, 13294. 108 F.R. 9407, 10570, 10988, 12443, 12611, 10294.

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>&</sup>lt;sup>2</sup>9 F.R. 9668.

<sup>&</sup>lt;sup>2</sup>9 F.R. 2357.

Revised Ration Order 11 is amended in the following respects:

- 1. Section 1394.5157 (a) (5) is amended by adding immediately after the period at the end thereof the following sentence: "However, no ration shall be issued under this subparagraph on or after September 1, 1944."
- 2. The undesignated center headnote "Late Applicants for Heat and Hot Water Rations for the 1943-44 Heating Year" and the note immediately preceding § 1394.5315 are revoked.
- 3. Section 1394.5315 is amended by adding after the phrase "November 30, 1943", the phrase "but before September 1st, 1944."
- 4. Sections 1394.5315, 1394,5316, 1394.5317, 1394.5318, 1394.5319, 1394.5320, 1394.5321, 1394.5322, 1394.5323, 1394.5324, 1394.5327 and 1394.5328 are removed from the text of the order inserted in Appendix A and renumbered sections 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 37, respectively.
- 5. Sections 1394.5325, 1394.5326 and 1394.5329 are revoked.
- 6. An undesignated center headnote is added preceding § 1394.5330 as follows: "Fuel Oil Limitation Area."
- 7. Section 1394.5360 is amended to read as follows:  $\cdot$
- § 1394.5360 Who may apply for a renewal. (a) An application to renew a ration for heat or hot water, or both, for the 1944-45 heating year may be made by any person to whom such a ration for all or part of the 1943-44 heating year was issued, or by any member of his family, or by someone acting for either of them. However, a ration may not be renewed if it has expired for any of the reasons specified in § 1394.5502.
- (b) The application may be made at any time during the heating year and must be made on OPA Form R-1167 (Revised). All the information required by the form must be furnished.
- 8. Section 1394.5361 (a) is amended by substituting the phrase "section 28 (a) (1) of Appendix A" for the phrase "§ 1394.5317 (a) (1)".
- 9. Section 1394.5361 (d) is added as follows:
- (d) Ration for period less than heating year. If the renewed ration for heating a private dwelling by means of central heating equipment is needed for less than the entire heating year, the annual ration shall first be figured according to paragraphs (a) and (b) of this section and then reduced for the period for which it is needed, as follows: The appropriate percentages shown opposite the dates between which the ration is needed shall be determined from Revised Table VIII (OPA Form R-1130). The annual ration shall be multiplied by the percentage which is the difference between the appropriate percentages so determined. If the dates are not listed, the appropriate percentages are determined by the Board from the nearest dates which are listed.

No. 174-5

- 10. Section 1394.5363 (d) is added as follows:
- (d) Ration for period less than the heating year. If the renewed ration for heating any residential premises (other than a house trailer) by means of one or more space heaters is needed for less than the entire heating year, the annual ration shall first be figured according to the preceding paragraphs of this section and then reduced for the period for which it is needed, as follows: The appropriate percentages, shown opposite the dates between which the ration is needed, shall be determined from Revised Table VIII (OPA Form R-1130). The annual ration shall be multiplied by the percentage which is the difference between the appropriate percentages so determined. If the dates are not listed, the appropriate percentages are determined by the Board from the nearest dates which are listed.
- 11. Section 1394.5365 (a) is amended by substituting the phrase "section 32 (a) (1) of Appendix A" for the phrase "§ 1394.5321 (a) (1)".
- 12. Section 1394.5365 (b) is amended by substituting the phrase "section 32 (b) of Appendix A" for the phrase "§ 1394.5321 (b)".
- 13. Section 1394.5366 (a) (3) is amended by substituting the phrase "section 33 of Appendix A" for the phrase "§ 1394.5322".
- 14. Section 1394.5366 (b) is added as follows:
- (b) However, if the months of the 1944-45 heating year for which the renewed ration is needed are not the corresponding or equivalent months for which the ration for the 1943-44 heating year was issued, the renewed ration shall be figured according to § 1394.5378.
- 15. Section 1394.5367 (a) (1) is added as follows:
- (1) Class 3 coupon sheets will also be issued if the ration is granted for less than the period between date of application and the end of the 1944-45 heating year (§§ 1394.5361 (d), 1394.5373 (d), 1394.5375 (b), 1394.5377 (a) (2) or 1394.5378) even though the amount of fuel oil which the applicant may so acquire is more than 300 gallons. However, this subparagraph (1) shall not apply where (l) fuel oil deposit certificates are to be issued or (ii) the period for which the ration is granted begins before April 15, 1945 and ends on a date after April 15, 1945.
- 16. Section 1394.5367 (c) (2) is added as follows:
- (2) However, if the application is made after September 1, 1944 the gallonage value of the first fuel oil deposit certificate issued to the applicant will be the total amount of fuel oil which the applicant may acquire divided by the number of coupon validity periods (for which the ration is to be issued) which begin on or after the date of the application. (However, if the application is made on or after the date on which pe-

- riod 5 begins, only one fuel oil deposit certificate shall be issued for the total amount of fuel oil which the applicant may acquire.) Subsequent fuel oil deposit certificates will be issued according to paragraph (c) (1) of this section.
- 17. Section 1394.5367a is added as follows:
- § 1394.5367a Class 3 coupon sheets—
  (a) They have fixed value coupons only. Class 3 coupon sheets have coupons of a fixed gallonage value of one (1), five (5), twenty-five (25) and one hundred (100) gallons, respectively.

(b) When these coupons may be used by consumers. Fuel oil may be transferred to a consumer in exchange for a coupon from a Class 3 coupon sheet only during the validity period of the coupon sheet.

(c) When these coupons may be used by dealers and primary suppliers. Fuel oil may be transferred to a dealer or primary supplier in exchange for a coupon from a Class 3 coupon sheet only on and after the first date when the coupon may be used for a transfer of fuel oil to a consumer.

18. An undesignated center headnote "New Applicants for Heat and Hot Water Rations for the 1944-45 Heating Year" immediately preceding § 1394.5371, an undesignated center headnote "Private Dwellings (Heat and central heating equipment; hot water by any equipment)" immediately preceding § 1394.-5373, a center headnote "Residential Premises, Including Private Dwellings Using Space Heaters (Excluding House Trailers)" immediately preceding § 1394.5375, an undesignated center headnote "House Trailers" immediately preceding § 1394.5377, an undesignated center headnote "Other Premises (Residential using central heating; non-residential using any equipment)" immediately preceding § 1394.5378, an undesignated center headnote "Deductions of Fuel Oil on Hand" immediately preceding §1394.5380, an undesignated center headnote "Ration Evidences for New Applicants" immediately preceding § 1394.-5301, an undesignated center headnote "New Applicants Outside the Limitation Area" immediately preceding § 1394.5382, and §§ 1394.5371, 1394.5372, 1394.5373, 1394.5374, 1394.5375, 1394.5376, 1394.5377, 1394.5378, 1394.5379, 1394.5380, 1394.5381, 1394.5382 and 1394.5333 are added as follows:

- § 1394.5371 Who is a new applicant.
  (a) A new applicant is a person who applies for a ration for the 1844-45 heating year for the operation of fuel oil burning equipment designed for and furnishing heat or hot water, or both, for use in any premises and who may not apply for a renewal ration (§ 1394.5360).
- (b) The new applicant must be the person controlling the use of the fuel oil burning equipment, but he may authorize someone to make the application for him.
- § 1394.5372 How a new applicant applies for a ration—(a) What form must

be used. The new applicant who needs a ration for use in a private dwelling, or for use in any other residential premises furnished with heat or hot water, or both, by means of one or more space heaters or units of cooking equipment; must apply on Form OPA R-1100 (Revised). All other new applicants must apply on Form OPA R-1101 (Revised).

(b) Previous ration holder's name to be given. The new applicant must, except for good cause shown, submit with his application the name of the person to whom a heat or hot water ration for the premises was issued for any previous

heating year.

(c) Number of applications which may be made. (1) A separate application must be made for each unit of fuel oil burning equipment serving the premises and the application shall cover only the part of the premises served by such unit, except that if two or more units of equipment serving a single building are under common control, a single application must be made for all such units.

(2) If two or more persons are entitled to apply for a ration for the same unit of equipment, application may be made by either of such persons, or by all

jointly.

#### PRIVATE DWELLINGS

(Heat by central heating equipment; hot water by any equipment)

§ 1394.5373 How the applicant's heat ration for a private dwelling is figured-(a) Annual ration where central heating equipment used. The new applicant's ration for heating a private dwelling by means of central heating equipment for the 1944-45 heating year shall be determined by multiplying the amount of fuel oil consumed in heating the dwelling during the base period (adjusted to normal according to section 4 (c) of Appendix A) by two-thirds (%). (The amount of fuel oil consumed in heating the dwelling during the base periodthat is, from June 1, 1941 through May 31, 1942-is the amount determined by the Board to have been consumed during that period when it figured the ration for any previous heating year, and the new applicant need not furnish any information concerning such consump-

tion.) However:
(1) If two-thirds (%) of such fuel oil consumption is more than the maximum of the range for heating the dwelling, the annual ration shall be the maximum of that range (the range is figured according to section 5 of Appendix

(2) If two-thirds (%) of such fuel oil consumption is less than the minimum of the range for heating the dwelling, the annual ration shall be either that minimum or 85% of such past consumption, whichever is less; or

(3) If the fuel oil consumption during the base period was not determined by the Board for the purpose of figuring the ration for any previous heating year, or if such consumption was then found to be not representative of normal fuel oil requirements for heating the dwelling, or if such consumption is not available to the Board, the annual ration shall be the midpoint of the range.

- (b) If one or more children under six (6) years of age regularly live in the dwelling, the annual ration shall be increased by:
  - (1) 125 gallons in Zones A-1, A-2 and
  - (2) 100 gallons in Zones B-1, B-2 and
  - B-3; (3) 75 gallons in Zones C-1, C-2 and C-3:
  - (4) 50 gallons in Zone D.

(c) Annual ration where both space heaters and central heating equipment used. Where the new applicant applies for a ration for heating premises by means of both a space heater and central heating equipment, the annual ration shall be figured only for the central heating equipment. The ration issued, however, may be used for the operation of the central heating equipment or space heater, or both.

(d) Ration for less than heating year. If the new applicant's ration for heating a private dwelling by means of central heating equipment is needed for less than the entire heating year. the annual ration shall first be figured according to paragraphs (a) and (b) of this section and then reduced for the period for which it is needed as follows: The appropriate percentages, shown opposite the dates between which the ration is needed, shall be determined from Revised Table VIII (OPA Form R-1130). The annual ration shall be multiplied by the percentage which is the difference between the appropriate percentages so determined. If the dates are not listed, the appropriate percentages are determined by the Board from the nearest dates which are listed.

§ 1394.5374 How the new applicant's hot water ration for a private dwelling is figured. (a) The new applicant's ration for domestic hot water in a private dwelling for the 1944-45 heating year shall be figured according to § 1394.5362.

RESIDENTIAL PREMISES, INCLUDING PRIVATE DWELLINGS USING SPACE HEATERS (EX-CLUDING HOUSE TRAILERS)

- § 1394.5375 How the new applicant's heat ration is figured for all residential premises (other than a house trailer) using space heaters.—(a) General. The new applicant's ration for heating any residential premises (other than a house trailer) by means of one or more space heaters, for the 1944-45 heating year, shall be figured according to § 1394.5363.
- (b) Ration for less than heating year. If the new applicant's ration for heating residential premises (other than a house trailer) by means of one or more space heaters is needed for less than the entire heating year, the ration shall be figured according to § 1394.5363 (d).
- § 1394.5376 How the new applicant's hot water ration is figured for residential premises (other than a private dwelling) using space heaters, cooking equipment or separate water heating equipment. (a) The new applicant's ration for hot water

in residential premises (other than a private dwelling) furnished by means of an attachment to a space heater or to cooking equipment or by means of separate water heating equipment for the 1944-45 heating year shall be figured according to § 1394.5364.

#### HOUSE TRAILERS

§ 1394.5377 How the new applicant's heat or hot water ration is figured for a house trailer.—(a) Heat—(1) General. The new applicant's ration for heating a house trailer for the 1944-45 heating year shall be the amount of fuel oil the applicant needs for the purpose but not more than twice the maximum of the range (the range is figured according to

section 5 of Appendix A).

(2) Ration for less than heating year. If the new applicant's ration for heating a house trailer is needed for less than the entire heating year, the annual ration shall first be figured according to paragraph (a) (1) of this section and then reduced for the period for which it is needed as follows: The appropriate percentages, shown opposite the dates between which the ration is needed, shall be determined from Revised Table VIII (OPA Form R-1130). The annual ration shall be multiplied by the percentage which is the difference between the appropriate percentages so determined. If the dates are not listed, the appropriate percentages are determined by the Board from the nearest dates which are listed.

(b) Hot water. The new applicant's ration for hot water in a house trailer furnished by means of separate water heating equipment shall be two-thirds (%) of the applicant's normal requirements for the purpose, but not more than two-thirds (%) of the figure obtained by adding twenty (20) gallons for the first person plus five (5) gallons for each additional person regularly living in the trailer and multiplying that sum by the number of months for which the ration is needed. No ration may be issued for domestic hot water in a house trailer furnished by means of a space heater or cooking equipment, whether or not equipped with a water heating attachment.

#### OTHER PREMISES

(Residential using central heating: nonresidential using any equipment)

§ 1394.5378 How the new applicant's heat or hot water ration is figured for residential premises (other than a private dwelling) using central heating or separate water heating equipment or for non-residential premises using any equipment. (a) The new applicant's ration for furnishing heat or hot water, or both, to residential premises (other than a private dwelling) by means of central heating equipment or separate water heating equipment, or to non-residential premises by means of any heating or hot water equipment, for the part of the 1944-45 heating year for which it is needed shall be figured as follows:

(1) If fuel oil was used for the purpose during at least the base period months corresponding or equivalent to

the part of the 1944-45 heating year for which the ration is needed, the ration shall be two-thirds (%) of the amount of fuel oil consumed for the purpose (adjusted to normal according to section 9 (c) of Appendix A) during those corresponding or equivalent months.

(2) If fuel oil was not used for the purpose during at least those corresponding or equivalent months in the base period, or if for any reason (other than weather conditions) the fuel oil consumption during the corresponding or equivalent months is not representative of the normal fuel oil requirements for the part of the 1944-45 heating year for which the ration is needed, or if the consumption during such months is not available, the ration shall be two-thirds (%) of the amount of fuel oil needed to meet the normal requirements of the premises for the purpose for that part of the 1944-45 heating year for which the ration is needed.

§ 1394.5379 Boards may issue coupons for space heater rations in instalments.

(a) Where application is made for a ration for heat or hot water furnished by means of one or more space heaters in any residential premises, the Board may, after figuring the ration for the period for which it is needed, give the applicant, from time to time during that period, Class 3 coupon sheets containing coupons of such gallonage value as the Board shall determine. However, the gallonage value of the total of all such instalments shall not exceed the total ration figured.

#### DEDUCTIONS OF FUEL OIL ON HAND

§ 1394.5380 Fuel oil on hand will be deducted from the new applicant's ration. (a) The Board shall, before issuing ration evidences to the new applicant, deduct from the ration the amount of fuel oil he has on hand, at the date of application, for the purpose for which the ration is needed.

#### RATION EVIDENCES FOR NEW APPLICANTS

§ 1394.5381 The new applicant's ration will be evidenced by coupon sheets or fuel oil deposit certificates—(a) Class 3, 4A, 5A and 6A coupon sheets. Class 3 coupon sheets (OPA Forms R-1107 through R-1110) and Class 4A, 5A and 6A coupon sheets (OPA Forms R-1137 through R-1166A) will be issued to new applicants in the manner provided in Section 1394.5367. (Sections 1394.5367and 1394.5368 describe these coupon sheets and explain when and where the coupons from these sheets may be used.)

(b) When fuel oil deposit certificates will be issued. If the amount of fuel oil which the applicant may acquire for heat or hot water, or both, for the 1944-45 heating year is twenty thousand (20,-000) gallons or more, fuel oil deposit certificates will be issued, instead of coupons, upon the request of the applicant. The fuel oil deposit certificates shall be issued according to § 1394.5367 (c) (2).

NEW APPLICANTS OUTSIDE THE LIMITATION AREA

§ 1394.5382 Application for, determination and issuance of, rations for new applicants for use outside the limitation

area. (a) Regardless of any other provisions of this Order:

(1) Application by a new applicant for a ration for heat or hot water, or both, for use outside the limitation area shall be made to the nearest Board in the thermal subzone nearest the premises in which the ration is to be used.

(2) The Board shall, in such case, figure the ration and issue coupon sheets or ration checks in the same manner as if such premises were located in the thermal subzone in which the application is made.

§ 1394.5383 Issuance of ration not a waiver of violations of Section 1394.5603.

(a) The issuance of a ration to a new applicant who was required to apply for a ration for the operation of the equipment in the premises for the 1942–43 or 1943–44 heating year, and omitted to do so, shall not be deemed a waiver of any violation by him of § 1394.5603.

19. Section 1394.5460 (c) is amended by substituting for the phrase "§ 1394.-5327", the phrase "§ 1394.5368."
20. Section 1394.5462 (a) is amended

20. Section 1394.5462 (a) is amended to read as follows:

(a) The issuance of fuel oil deposit certificates as renewed rations for heat or hot water for the 1944-45 heating year is covered by § 1394.5368 (d). The issuance of fuel oil deposit certificates to new applicants as rations for heat or hot water for the 1944-45 heating year is covered by § 1394.5381 (b).

This amendment shall become effective on September 1, 1944.

Issued this 30th day of August 1944.

JAMES G. ROGERS, Jr., Acting Administrator.

[F. R. Doc. 44-13181; Filed, August 30, 1944; 11:12 a. m.]

PART 1499—COMMODITIES AND SERVICES [Rev. SR 14 to GMPR, Amdt. 168]

SCRAP CHEWING TOBACCO

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.\*

Section 6.56 is added to read as follows:

Sec. 6.56 Scrap chewing tobacco—(a) Adjustment of manufacturers' maximum prices—(1) For changes in package contents—(i) Increase in package contents from 1% to 2% oz. If a manufacturer's maximum list price per dozen, established under § 1499.2 of the General Maximum Price Regulation, for sales of an item of scrap chewing tobacco in packages containing 1% oz. each, is 96% and his stated retail price per package for such item is 10%, the maximum list price per dozen for sales of the item in packages containing 2% oz. each, shall be \$1.23 and the maximum retail price per package for sales of such item shall be 13% or two packages for 25%.

(ii) Other changes in quantity of package contents. Any manufacturer of an item of scrap chewing tobacco for which a maximum list price and a maximum retail price have been established under the General Maximum Price Regulation or under this section, who desires to change the quantity of package contents or package size, except as provided in (i) above, shall apply by letter to the Office of Price Administration, Tobacco Section, Washington, D. C., for authority to establish a maximum list price for the new quantity of package contents or package size. The letter shall state:

(a) The change in the quantity of package contents or package size the manufacturer desires to make.

(b) His maximum list price per dozen packages, together with applicable discounts and allowances, for the present quantity of package contents or package size and his stated retail price per package.

(c) His actual costs for packaging material and packaging labor involved in the manufacture of the present quantity of package contents or package size.

(d) His estimated costs for packaging material and packaging labor involved for the package contents or package size he proposes to make. Such estimate shall be based upon his most recent accounting pariod.

After receipt of the application, the Price Administrator will, by order, establish maximum prices for the applicant and subsequent sellers of the new quantity of package contents or package size, which are in line with the maximum prices established by this section. Maximum prices so established may be revolved or modified by the Price Administrator at any time.

(2) For same package contents. (i) Any manufacturer of an item of scrap chewing tobacco, the maximum list price and the stated retail price of which are listed in Columns 2 and 3, respectively, Table A, below, may adjust those prices to the new maximum list price and maximum retail price shown on the same line under Columns 4 and 5, respectively, of such table.

Table 1

Celumn 1	Column 2	Column 3	Column 4	Column 5
Varioty	Maxi- mum list price per dezen pockages	Stated re- tall price per pack- ego	imum list	New max- imum re- tail price per pack- ego
Plain Plain Plain Plain Plain Sweetered Sweetered Sweetered	\$2.43 .69 .89 1.60 .85 1.22 1.44	\$0.65 .10 .10 .10 .10 .13 .13	\$9.53 1.15 1.19 1.20 1.06 1.35 1.54	\$0.65 .12 .12 .12 .11 .14

10r 2ft \$0.23.

(ii) Any manufacturer of an item of scrap chewing tobacco, the maximum list price and the stated retail price of which are not listed in Columns 2 and 3, respectively, Table A in (i), above, who desires to adjust his maximum list price for such item, shall apply by letter to the Office of Price Administration, Tobacco

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

Section, Washington, D. C., for authority to establish an adjusted maximum list price for the item. The letter shall state:

(a) His maximum list price per dozen packages, together with applicable discounts and allowances, for the item and his stated retail price per package.

(b) The quantity of package contents

or package size.

After receipt of the application, the Price Administrator will, by order, establish maximum prices for the applicant and subsequent sellers of the item, which are in line with the maximum prices established by this section. Maximum prices so established may be revoked or modified by the Price Administrator at

any time.

- (b) Adjustment of wholesaler's maximum prices. Upon receipt of notification pursuant to (d), below, of an adjustment of his supplier's maximum list price for an item of scrap chewing tobacco, a wholesaler may adjust his maximum price only in accordance with such notification. Such adjustment shall be applicable to floor stocks. Where any manufacturer has not adjusted his maximum list price under (a) (1) or (2), above, with respect to any item of scrap chewing tobacco, the wholesaler shall not adjust his maximum price with respect to that item.
- (c) Adjustment of retailers' maximum prices. Upon receipt of notification pursuant to (d), below, from the manufacturer or wholesaler of an adjustment of the maximum retail price for an item of scrap chewing tobacco, a retailer may adjust his maximum price for such item only in accordance with such notification. Such adjustment shall be applicable to floor stocks. Where any manufacturer has not adjusted the maximum list price and maximum retail price with respect to any item of scrap chewing tobacco, the retailer shall not adjust his maximum price with respect to that item.

(d) Notification of adjustment required. Every seller (other than a retailer) of an item of scrap chewing tobacco, the maximum list price and maximum retail price of which have been adjusted in accordance with (a) or (b). above, shall supply each purchaser of the item from him with the following written notice attached to or stated on the invoice covering the first delivery to the purchaser after September 4, 1944:

(Insert date)

(describe item by variety, On our \_\_\_\_ brand, and container type and size) of scrap chewing tobacco, we are authorized by the Office of Price Administration to establish a maximum list price of \$\_\_\_\_\_ per dozen and a maximum retail price of \_\_\_\_\_ cents per package (or \_\_\_\_\_ packages for \_\_\_\_\_ cents). Customary discounts and allowances in effect in March 1942 on your purchases of scrap chewing tobacco will not be lowered. Wholesalers receiving this notice are required to give similar notice to every purchaser to whom they sell or deliver this item of scrap chewing tobacco on or before the first delivery to such purchaser. The Office of Price Administration requires that you keep this notice for examination.

(e) Maintenance of customary discounts and allowances. A seller's customary discounts and allowances shall not be less than those given by him in March 1942 on his sales of scrap chewing tobacco. Every retailer shall maintain his customary price differentials if any allowed in March 1942 below the manufacturer's stated retail price.

Maximum (f) State and local taxes. prices established by (a) (1) and (2), above, are exclusive of state and local taxes upon tobacco products. Sellers may add to these prices the amount of such tax applicable to the item being priced and paid or payable by them to the taxing authority or to a prior vendor.

(g) Units of sale .- Maximum prices shall be stated in terms of the same general units (like dozens, packages, etc.) in which the seller has customarily quoted prices for the product.

When used in this (h) Definitions.

section, the term:

"Scrap chewing tobacco" means manufactured scrap chewing tobacco prepared from tobacco leaves cut or broken into small pieces, or from tobacco scraps, cuttings, or clippings, flavored, sweetened, and intended primarily for chewing purposes, as defined in Regulation No. 8, relating to taxes on tobacco products, issued by the Bureau of Internal Revenue, United States Treasury Department.

"List price" means the manufacturer's gross price before discounts and allow-

ances. .

"Item" means a variety, brand (if any) and container type and size of scrap chewing tobacco.

This amendment shall become effective September 4, 1944.

Note: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of

Issued this 30th day of August 1944.

JAMES G. ROGERS, Jr., Acting Administrator.

[F. R. Doc. 44-13182; Filed, August 30, 1944; 11:13 a. m.]

Chapter XIII-Petroleum Administration for War

[PAO 11, Supp. Order 7]

PART 1515-PETROLEUM PRODUCTION **OPERATIONS** 

USE OF MATERIAL IN OIL DEVELOPMENT DRILL-ING OPERATIONS IN SOUTHWESTERN MICH-

Section 1515.13 Supplementary Order No. 7 as amended August 26, 1944, to Petroleum Administrative Order No. 11, as amended July 1, 1944.

§ 1515.13 Supplementary Order No. 7 to Petroleum Administrative Order No. 11-(a) Scope of this order. Except as otherwise modified by the provisions of any other order issued as a supplement to Petroleum Administrative Order No.

11, as amended July 1, 1944, or by the provisions of any exception issued pursuant to paragraph (m) of Petroleum Administrative Order No. 11, as amended July 1, 1944, the provisions of this supplementary order shall to the extent provided herein be applicable to the use of material in petroleum production operations in Southwestern Michigan, but not elsewhere.

(b) Definitions. The definitions of Petroleum Administrative Order No. 11, as amended July 1, 1944, shall apply in this supplementary order. In addition:

(1) "Southwestern Michigan" means the following counties in the State of Michigan:

Allegan, Barry, Berrien, Branch, Calhoun, Cass, Kalamazoo, Kent, Muskegon, Ottawa, St. Joseph and Van Buren.

- (2) "One-half of a quarter-quarter section" means a regular half (north, south, east, or west half) of a "quarterquarter section" as the term "quarterquarter section" is used in Petroleum Administrative Order No. 11, as amended July 1, 1944.
- (3) A "quarter of a quarter-quarter section" means a regular quarter (northsection" means a regular quarter (north-east, southeast, southwest, or northwest quarter) of a "quarter-quarter section", as the term "quarter-quarter section" is used in Petroleum Administrative Or-der No. 11, as amended July 1, 1944. (c) Authorized uses of material in oil
- development drilling operations. Material may be used to drill, deepen, complete, recomplete, and provide additions to any well in Southwestern Michigan for the purpose of producing oil, except in a "Restricted Area", if there is com-pliance with the following provisions:

  (1) Where the well is drilled to a depth

not exceeding 1650 feet,

(i) The well must be located on a drilling unit consisting of a quarter of a quarter-quarter section upon which no other drilling or producible well is located, and

(ii) The drilling unit upon which the well is located must not be attributed in whole or in part to any other well drilling for oil or producible of oil, and

(iii) All separate property interests in the drilling unit upon which the well is located must first be consolidated, and

(iv) The well must be located at least 300 feet from every lease line, property line, and subdivision line separating unconsolidated property interests, and

(v) The well must be located at least 500 feet from every other drilling or

producible well.

(2) Where the well is drilled to a depth of more than 1650 feet but not

exceeding 2500 feet,
(i) The well must be located on a drilling unit consisting of one-half of a quarter-quarter section upon which no other drilling or producible well is lo-

cated, and
(ii) The drilling unit upon which the well is located must not be attributed in whole or in part to any other well drilling for oil or producible of oil, and

(iii) All separate property interests in the drilling unit upon which the well is located must first be consolidated, and

(iv) The well must be located at least 300 feet from every lease line, property line, or subdivision line separating unconsolidated property interests, and

(v) The well must be located at least 800 feet from every other drilling or producible well. However, where a well drilled prior to the date of this order is located within 100 feet of the center of one-half of a quarter-quarter section, a well may be located on any one-half of a quarter-quarter section adjoining the one-half of a quarter-quarter section upon which the well drilled prior to the date of this order is located: Provided, That the well is located at least 725 feet from all other drilling or producible wells and at least 300 feet from the boundaries of the drilling unit upon which it is located, and

(vi) Not more than two wells (drilled before or after the date of this order) shall be located on any quarter-quarter

section.

(3) The well must be drilled with due diligence to maintain a vertical well bore.

(d) Violations. Any person who wilfully violates any provision of this supplementary order, or who, by any act or omission, falsifies records kept or information furnished in connection with this supplementary order is guilty of a crime and upon conviction may be punished by fine or imprisonment.

Any person who wilfully violates any provision of this supplementary order may be prohibited from delivering or receiving any material under priority control, or may be subject to other appropriate action.

(e) Effective date. This supplementary order shall take effect on the date of issuance.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687; WPB Directive No. 30, 8 F.R. 11559; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of August 1944.

J. Howard Marshall, Acting Deputy Petroleum Administrator for War.

[F. R. Doc. 44-13173; Filed, August 30, 1944; 10:39 a. m.]

# TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S.O. 210-A]

PART 95—CAR SERVICE

ICING AND REICING OF FRUITS AND VEGETABLES
IN DESIGNATED SOUTHERN STATES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of August A. D. 1944.

Upon further consideration of Second Revised Service Order No. 210 (9 F.R. 9748-49) of July 22, 1944, and good cause appearing therefor: It is ordered, That:

Second Revised Service Order No. 210. (9 F.R. 9748-49) of July 22, 1944, restricting the icing and reicing of refrigerator.cars loaded with fruits-or vegetables at points in the South, be, and it is hereby, vacated and set aside. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., September 1, 1944; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem argeement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL, Secretary.

[F. R. Doc. 44-13172; Filed, August 30, 1944; 10:27 a. m.]

#### Notices

# DEPARTMENT OF THE INTERIOR.

Bureau of Mines.

HUSUNG HARDWARE CO.

ORDER REVOKING LICENSES, DIRECTING SUR-RENDER OF LICENSES AND REQUIRING REC-ORDS TO BE FURNISHED

To: W. H. Husung, Husung Hardware Co., 625 Main Street, Alamosa, Colorado. Based upon the records in this matter, including your answer, I make the following findings of fact:

1. On June 30, 1944, a specification of charges against you, setting forth violations of the Federal Explosives Act (55 Stat. 863), as amended, and the regulations pursuant thereto, of which you were accused, was mailed to you giving you notice to mail an answer within 15 days from June 30, 1944, answering the charges against you and requesting an oral hearing if you wished.

2. More than 50 days have elapsed since June 30, 1944. The length of time required for mail to be delivered to the Bureau of Mines, Washington, D. C., from Alamosa, Colorado, does not exceed seven days. The only communication received from you is your answer dated July 10, 1944. You have not requested an oral hearing.

3. All of the accusations against you which are set out in the specification of charges are true.

Now, therefore, by virtue of the authority vested in me by the Federal Explosives Act and the regulations thereunder, I hereby order:

1. That all licenses issued to you under the Federal Explosives Act be and they are hereby revoked as of midnight, September 16, 1944.

2. That prior to midnight, September 16, 1944, you shall sell or otherwise dispose of, to properly licensed persons, or

destroy all explosives and ingredients of explosives owned or possessed by you or consigned to you or which are in your custody.

3. That after having sold or otherwise disposed of or destroyed all explosives and ingredients of explosives as required by paragraph 2 of this order, you shall, prior to midnight, September 16, 1944, deliver or mail to L. L. Naus, Engineer in Charge, United States Bureau of Mines, 925 United States National Bank Building, 17th and Stout Streets, Denver 2, Colorado, a sworn statement of your transactions in and destructions of explosives and ingredients of explosives beginning with the date of this order and ending with the final sale or other disposition or with the final destruction of the explosives and ingredients of explosives as required above. The statement shall set forth the amount of each kind of explosives and ingredients of explosives which you had on hand at each location at the opening of business on the date of this order, the amount of each kind acquired by you that day and each day thereafter, the dates on which acquired, the names and addresses of the persons from whom acquired, the amount of each kind sold or otherwise disposed of by you, the dates on which sold or otherwise disposed of, the names and addresses and numbers and dates of Federal explosives licenses of the persons to whom sold or otherwise disposed of, the amount of each kind destroyed by you, the dates on which destroyed. and the places where destroyed.

4. That prior to midnight, September 16, 1944, you shall surrender all licenses issued to you under the Federal Explosives Act and all copies thereof by mailing or delivering them to L. L. Naus, Engineer in Charge, United States Bureau of Mines, 925 United States National Bank Building, 17th and Stout Streets, Denver 2, Colorado.

Failure to comply with any of the provisions of this order will constitute a violation of the Federal Explosives Act punishable by a fine of not more than Five Thousand Dollars (\$5,000), or by imprisonment for not more than one year, or by both such fine and imprisonment.

This order shall be published in the FEDERAL REGISTER.

Dated at Washington, D. C., this 25th day of August 1944.

R. R. SAYERS, Director.

[F. R. Dac. 44-13119; Filed, August 29, 1944; 12:27 p. m.]

#### DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.
[Administrative Order 850]

ALLOCATION OF FUNDS FOR LOANS

August 4, 1944.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Arkansas 5023D1 Mississippi	\$240,000
Indiana 5083A3 Dubois	50,000
Indiana 5089B3 Harrison	75, 000
Kansas 5027C1 Morris	100,000
Kentucky 5049B3 Clark	
Louisiana 5019B1 Jefferson Davis_	
Michigan 5040G4 Allegan	60,000
Missouri 5032F2 Atchison	
North Carolina 5036B4 Randolph_	
Texas 5061E1 Coleman	100,000

# HARRY SLATTERY, Administrator.

[F. R. Doc. 44-13134; Filed, August 29, 1944; 3:18 p. m.]

#### [Administrative Order 851]

#### ALLOCATION OF FUNDS FOR LOANS

AUGUST 8, 1944.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Alabama 5045S1 Escambia	\$25,000
Missouri 5063S1 Mt. Vernon	28,000
Texas 5133S1 Waller	57, 000

HARRY SLATTERY,
Administrator.

[F. R. Doc. 44-13135; Filed, August 29, 1944; 3:18 p. m.]

#### [Administrative Order 852]

# ALLOCATION OF FUNDS FOR LOANS

AUGUST 14, 1944.

By virtue of the authority yested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a lcan for the project and in the amount as set forth in the following schedule:

Project designation: - Amount South Carolina 5014S7 Aiken\_\_\_\_ \$31,000

HARRY SLATTERY,
Administrator.

[F. R. Doc. 44-13136; Filed, August 29, 1944; 3:18 p. m.]

# OFFICE OF ALIEN PROPERTY CUSTO-DIAN.

[Vesting Order 3941]

IDA KRAUTHAN, ET AL.

In re: Interests in real property owned by Ida Krauthan, Lena Werner, Elizabeth Kratsch, Margaret Kratsch and Alfred Kratsch.

Under theh authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the following-named persons, whose last known addresses appear opposite

their respective names, are residents of Germany and are nationals of a designated enemy country (Germany);

Names and Last Known Addresses

Ida Krauthan, Heinrichstrasse Bad Kostritz, in Thuringen, Germany.

Lena Werner, Obotritenring, 75 Schwerin, in Mecklenburg, Germany.

Elizabeth Kratsch, Slebenberge, 2 Ronneburg, Thuringen, Germany.

burg, Thuringen, Germany.

Margaret Kratsch, Slebenberge, 2 Ronneburg, Thuringen, Germany.

Alfred Kratsch, Erlisstrasse I, Ronneburg,

Alfred Kratsch, Erlisstrasse I, Ronneburg, Germany.

2. That Ida Krauthan is the owner of the life estate in the real property described in subparagraph 6-a hereof;

3. That Lena Werner, Elizabeth Kratsch, Margaret Kratsch and Alfred Kratsch are the owners of the property described in subparagraph 6-a hereof:

graph 6-a hereof;
4. That Lena Werner is the owner of the property described in subparagraph 6-b hereof;

5. That Alfred Kratsch is the owner of the property described in subparagraph 6-c hereof:

6. That the property described as follows: a. The reversionary or ground rent interest in and to the real property situated in the City of Baltimore, State of Maryland, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. The reversionary or ground rent interest in and to the real property situated in the City of Baltimore, State of Maryland, particularly described in Exhibit B attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property and

ship of such property, and
c. Real property situated in the City of
Baltimore, State of Maryland, particularly
described in Exhibit C attached hereto and
by reference made a part hereof, together
with all hereditaments, fixtures, improvements and appurtenances, thereto and any
and all claims for rents, refunds, benefits or
other payments arising from the ownership
of such property.

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that to the extent that such nationals are persons now within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a foreign enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 6 hereof, subject to recorded liens, encumbrances and other rights of record, and subject particularly to all right, title, interest and estate, both legal and equitable, of Edwin T. Dickerson in and to the property described in subparagraph 6-a hereof, held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an ap-

propriate account, or accounts pending further determination of the Allen Property Custodian. This order shall not be deemed to limit the power of the Allen Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 17, 1944.

[SEAL]

James E. Markham, Alien Property Custodian.

#### EXHIDIT A

All those lots, pieces or parcels of land, together with the improvements thereon erected, situate, lying and being in the City of Baltimore, State of Maryland, particularly described as follows:

#### PARCEL 1

Beginning for the first thereof on the south side of Elmora Avenue at the distance of sixty six feet six inches easterly from the east side of Greenview Avenue and at a point in a line with the center of a partition wall there situate and running thence easterly binding on the south side of Elmora Avenue sixteen feet to a point in a line with the center of a partition wall there situate thence southerly to and through the center of said last mentioned partition wall and continuing the same course parallel with Greenview Avenue in all seventy nine feet to the north side of a ten foot alley there situate thence westerly binding on the north side of said alley with the use thereof in common with others six-teen feet and thence northerly to and through the center of said first mentioned partition wall in all seventy nine feet to the place of beginning the improvements whereon are numbered and known as 3200 Elmora Avenue.

#### PARCEL 2

Beginning for the same on the west side of the York Turnpike Road at a point distant one hundred and seventeen feet southerly from the corner formed by the intersection of the west side of the York Turnpike Road and the south side of Calvin Avenue and running thence southerly on the west side of the York Turnpike Road sixteen feet thence westerly parallel with Calvin Avenue one hundred and twenty feet to the east side of an alley ten feet wide there situate thence northerly bounding on the east side of said alley with the use thereof in common sixteen feet and thence easterly by a straight line one hundred and twenty feet to the place of beginning.

#### PARCEL 3

Beginning for the same on the west side of Payson Street at the distance of thirty eight feet eight inches southerly from the corner formed by the intersection of the west side of Payson Street with the south side of Baker Street which place of beginning is designated

to be at a point in a line with the centre of the partition wall there erected thence running southerly binding on the west side of Payson Street eighteen feet ten inches to a point in a line with the centre of the partition wall there erected thence running westerly parallel with Baker Street to and through the centre of said last mentioned partition wall and continuing the same course in all eighty five feet to the east side of an alley ten feet wide there situate thence northerly along the east side of said alley with the use thereof in common with others eighteen feet ten inches to intersect a line drawn westerly from the place of beginning to and through the centre of the partition wall first mentioned herein and thence easterly reversing the line so drawn and binding thereon parallel with Baker Street eighty five feet to the place of beginning Being known and designated as No. 1540 North Payson Street.

#### PARCEL 4

Beginning for the same on the east side of Drew Street (formerly Twenty eighth Street) at the distance of four hundred nineteen feet and six inches southerly from the southeast corner of Drew and Bank Streets and at the centre of the partition wall there situate and running thence southerly binding on the east side of Drew Street fifteen feet and six inches to the centre of another partition wall there situate thence easterly through the centre of said last mentioned partition wall and continuing the same course in all ninety five feet to the west side of a fourteen foot alley there situate thence northerly binding on said alley fifteen feet and six inches and thence westerly and in the course passing through the centre of the partition wall first mentioned in this description ninety five feet to the place of beginning. The improvements thereon being known as No. 455 Drew Street. The mention of Bank Street, Drew Street and Eastern Avenue in the above description is for the purpose of description only and is not intended as a dedication thereof to public use.

#### PARCEL S

Beginning for the first thereof on the west side of Streeper Street at the distance of one hundred and twenty eight feet nine inches northerly from the northwest corner of Mc-Elderry and Streeper Streets and at the centre of a partition wall there situated running thence northerly binding on the west side of Streeper Street twelve feet nine inches to the centre of another partition wall there situated thence westerly through the centre of said last mentioned partition wall and continuing the same course in all sixty five feet to the east side of a ten foot alley there situated thence southerly binding on the east side of said alley twelve feet nine inches and thence easterly in a straight line and through the centre of the partition wall first mentioned sixty five feet to the place of beginning, Now known as No. 620 North Streeper Street.

#### PARCEL (

Beginning for the same on the southeast side of Whittier Avenue at the distance of eighty four feet northeasterly from the corner formed by the intersection of the southeast side of Whittier Avenue with the northeast side of Parkwood Avenue said point of beginning being at a point in a line with the centre of the partition wall between the house erected on the lot of ground now being described and the house erected on the lot of ground next adjacent thereto on the southwest and running thence northeasterly bounding on the southeast side of Whittier Avenue twenty one feet to a point in a line with the centre of the partition wall between the house erected on the lot of ground now being described and the house erected on the lot of ground next adjacent thereto on the northeast thence southeasterly parallel with Parkwood Avenue along cald line and through the centre of said last mentioned partition wall and continuing the came course in all one hundred and ten feet to the northwest side of Orem Avenue thence south westerly bounding on Orem Avenue twenty one feet to interest a line drawn southeasterly from the place of beginning through the centre of the partition wall first mentioned in this description and thence northwesterly reversing said line to drawn and binding thereon one hundred and ten feet to the place of beginning The improvement on said lot being known as No. 2317 Whittier Avenue.

#### EXHIBIT B

All that certain lot, piece or parcel of land, together with the improvements thereon erected, situate, lying and being in the City of Baltimore, State of Maryland, particularly described as follows:

Beginning for the first thereof on the east side of Potomac Street at a point distant one hundred and twenty four feet and six inches southerly from the southeast corner of Potomac and Lombard Streets said place of beginning being in the centre of a partition wall there erected thence coutherly binding on the east side of Potomac Street thirteen feet nine inches to the centre of a partition wall there erected thence easterly through the centre of said last mentioned partition wall and continuing the came course in all sixty nine feet more or less to the west side of an alley nine feet wide there laid out thence northerly binding on the west side of said alley with the use thereof in common with others thirteen feet nine inches thence westerly and through the centre of the partition wall first herein mentioned sixty nine feet more or less to the place of beginning. The improvements thereon being known as No. 118 South Potomac Street.

#### EXHIBIT C

All that certain lot, piece or parcel of land, together with the improvements thereon erected, situate, lying and being in the City of Baltimore, State of Maryland, particularly described as follows:

Beginning for the same at the couthwest corner or intersection of Cairo Street and Bruce alley and running thence west bounding on the south side of Cairo Street twenty five feet to the centre of the division wall between the house on the lot now being described and that on the lot next adjoining on the west thence south parallel with Fulton Avenue and passing through the centre of said division wall fifty five feet to the couth side of an alley three feet wide laid out parallel with Cairo Street and to be forever kept open for common use thence east bounding on the south side of said alley twenty five feet to Bruce alley and thence north bounding on Bruce alley fifty five feet to the place of beginning.

[F. R. Doc. 44-13156; Filed, August 30, 1944; 10:13 a. m.]

# [Vesting Order 3979]

## C. E. Moore

In re: The undivided one-quarter (25%) interest of C. E. Moore in Patent No. 1,818,910.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That the executors, administrators, heirs, assigns and legatees of C. E. Moore,

deceased, are recidents of France and are nationals of a foreign country (France);

2. That the preparty described in subparagraph 3 hereof is property of said executors, administrators, heirs, assigns, or legatees of C. E. Moore, deceased;

3. That the property described as follows: An undivided one-quarter (25%) interest which stands of record in the United States Patent Office in the name of C. E. Moore, in and to the following patent:

Patent Number, Date of Issue, Inventor and Title

1,818,910; 8-11-31; Pierre Sanine; Automatic change speed mechanism,

including all royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof to which the owner of such one-quarter interest is entitled,

is property of nationals of a foreign country (France);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest.

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year-from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9035, as amended.

Executed at Washington, D. C., on July 27, 1944.

[SEAL]

Jalies E. Markhali, Alien Property Custodian.

[F. R. Doc. 44-13157; Filed August 30, 1944; 10:13 a. m.]

#### [Vesting Order 3995]

#### HARS WOHLDORF

In re: Patent No. 2,048,310 owned by Hans Wohldorf.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,

and pursuant to law, the undersigned, after investigation, finding;

1. That Hans Wohldorf is a citizen and resident of Germany and is a national of a foreign country (Germany);
2. That the property described in sub-

paragraph 3 hereof is property of Hans Wohl-

dorf;
3. That the property described as follows:
All right, title and interest, including all its recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent Number, Date of Issue, Inventor, and Title

2,048,310; 7-21-36; Hans Wohldorf; Coupling device for vehicles;

is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest.

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms-"national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 8, 1944.

JAMES E. MARKHAM. [SEAL] Alien Property Custodian.

[F. R. Doc. 44-13158; Filed, August 30, 1944; 10:13 a. m.]

[Vesting Order 3997]

CHEMIPULE PROCESS INC.

In re: Interest of Chemipulp Process Inc., in an agreement with Japan Cellulose Industry Reporters, Ltd.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Japan Cellulose Industry Reporters, Ltd., is a corporation organized under the laws of Japan and is a national of a foreign country (Japan);

2. That the property described in subparagraph 3 hereof is property of Japan Cellulose

Industry Reporters, Ltd.;

3. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Japan Cellulose Industry Reporters, Ltd., by virtue of an agreement dated October 25, 1933 (including all modifications thereof and supplements thereto, if any) by and between said Japan Cellulose Industry Reporters, Ltd., and Chemipulp Process Inc., which agreement relates, among other things, to Patent No. 1,998,874,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest.

hereby vests in the Alien Property Custodian the property described above. to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 8, 1944.

[SEAL] JAMES E. MARKHAM, Alien Property Custodian.

[F. R. Doc. 44-13159; Filed, August 30, 1944; 10:13 a. m.]

[Vesting Order 3998] OSCAR KIND

In re: Interest of Oscar Kind in an agreement with Ketcham Wire & Manufacturing Co.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Oscar Kind is a resident of Germany and is a national of a foreign country (Germany);

2. That the property described in sub-paragraph 3 hereof is property of Oscar Kind; 3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Oscar Kind by virtue of a certain oral agreement evidenced by a letter dated December 23, 1938 from Oscar Kind to Ketcham Wire & Manufacturing Co., (including all modifications thereof and supplements thereto, if any) by and between Oscar Kind and Ketcham Wire & Manufacturing Co., which agreement relates, among other things, to United States Letters Patent No. 2,019,570.

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany):

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national in-

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Allen Property Custodian. This order shall not be deemed to limit the power of the Allen Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on August 8, 1944.

[SEAL]

James E. Markham, Alien Property Custodian.

[F. R. Doc. 44-13160; Filed, August 30, 1944; 10:13 a. m.]

#### [Vesting Order 3999]

AUTOMOBILES HOTCHKISS, SOCIETE ANO-NYME DES ANCIENS ESTABLISSEMENTS, HOTCHKISS ET CIE

In re: Interest of Automobiles Hotchkiss, Societe Anonyme des Anciens Establissements, Hotchkiss et Cie, in an agreement with F. C. Reggio.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Automobiles Hotchkiss, Societe Anonyme des Anciens Establissements, Hotchkiss et Cie, is a business organization having a place of business at St. Denis Sur Seine, France, and is a national of a foreign country (France);

2. That the property described in subparagraph 3 hereof is property of Automobiles Hotchkiss, Societe Anonyme des Anciens Es-

tablissements, Hotchkiss et Cie;

3. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Automobiles Hotchkiss, Societe Anonyme des Anciens Establissements, Hotchkiss et Cie, by virtue of an agreement dated December 20, 1935 (including all modifications thereof and supplements thereto, if any) by and between it and F. C. Reggio, which agreement relates, among other things, to Patent No. 2,087,070,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (France);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest.

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this

order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

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Executed at Washington, D. C., on August 8, 1944.

[seal] James E. Markham,
Alien Property Custodian.

[F. R. Doc. 44-13161; Filed, August 30, 1944; 10:13 a. m.]

#### [Vesting Order 4000]

#### ALFRED EDOUARD LAMARTHE

In re: Interest of Alfred Edouard La-Marthe in an agreement with Koret, Inc.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

· 1. That Alfred Edouard LaMarthe is a resident of France and is a national of a foreign country (France);

2. That the property described in subparagraph 3 hereof, is property of Alfred Edouard

aMarthe:

3. That the property described as follows—All interests and rights (including all accrued royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreements hereinafter described, together with the right to sue therefor) created in Alfred Edouard LaMarthe by virtue of an agreement dated August 13, 1938 (including all supplements thereto and modifications thereof, including, but without limitation, agreements dated August 7, 1939 and March 8, 1940 between Alfred Edouard LaMarthe and Fa-Clie Fastener Corporation) by and between Alfred Edouard LaMarthe and Koret, Inc., which agreement relates, among other things, to United States Letters Patent No. 2,142,804,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (France);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest.

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Allen Property Custodian. This order shall not be deemed to limit the power of the Allen Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indi-

cate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "National" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 8, 1944.

[SEAL] James E. Markham, Alien Property Custodian.

[F. R. Doc. 44-13162; Filed, August 30, 1344; 10:14 a. m.]

# [Vesting Order 4001] GEDEON RICHTER

In re: Interest of Gedeon Richter in an agreement with The Lakeside Laboratories, Inc.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Gedeon Richter is a resident of Budapest, Hungary and is a national of a foreign country (Hungary);

2. That the property described in subparagraph 3 hereof is property of Gedeon Richter;

3. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Gedeon Richter by virtue of an agreement dated August 25, 1939 (including all modifications thereof and supplements thereto, if any) by and between Gedeon Richter and The Lakedide Laboratories, Inc. which agreement relates, among other things, to United States Letters Patent No. 2,198,357,

is hereby payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Hungary); And having made all determinations and

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest.

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 8, 1944.

[SEAL]

James E. Markham, Alien Property Custodian.

[F. R. Doc. 44-13163; Filed, August 30, 1944; 10:14 a. m.]

#### [Vesting Order 4002]

#### DENES HALASZ

In re: Patent and interest of Denes Halasz in an agreement with Bela Karlovitz and Westinghouse Electric & Manufacturing Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation, finding:

- 1. That Denes Halasz is a resident of Hungary and is a national of a foreign country (Hungary);
- That the property described in subpara-graph 3 hereof is property of Denes Halasz;
- 3. That the property described as follows: (a) An undivided interest, which stands of record in the United States Patent Office in the name of Denes Halasz, in and to the following United States Letters Patent:

Patent No., Date of issue, Inventors, and Title

- 2,210,918; 8-13-40; Bela Karlovitz and Denes Halasz: Process for the conversion of energy and apparatus for carrying out the process; including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof to which the owner of such interest is entitled,
  (b) All interests and rights (including all
- royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Denes Halasz by virtue of an agreement dated May 25, 1938 (including all modifications thereof and supplements thereto, including, but without limitation, a letter dated May 20, 1940 from Westinghouse Electric & Manufacturing Company to Bela Karlovitz and Denes Halasz and a supplemental agreement dated January 17, 1941 between Westinghouse Electric & Manu-

facturing Company, Bela Karlovitz and Denes Halasz) by and between Westinghouse Electric & Manufacturing Company, Bela Karlovitz and Denes Halasz relating, among other things, to United States Letters Patent Nos. 2,210,918 and 2,216,743,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Hungary);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest.

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 8, 1944.

[SEAL]

James E. Markham, Alien Property Custodian.

[F. R. Doc. 44-13164; Filed, August 30, 1944; 10:14 a. m.]

# [Vesting Order 4003]

#### ERNST JACOBSBERG

In re: Patent No. 2,250,914 owned by Ernst Jacobsberg.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

- 1. That Ernst\_Jacobsberg is a resident of France and is a national of a foreign country
- 2. That the property described in subparagraph 3 hereof is property of Ernst Jacobsberg;
  3. That the property described as follows:
- All right, title and interest including all accrued royalties and all damages and profits recoverable at law or in equity from any

ζ)

person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor, and Title

2,250,914; 7-29-41; Ernst Jacobsberg; Process for making woolly fabrics of staple fibre;

is property of a national of a foreign country (France);

And having made all determinations and taken all action required by law, including appropriate consultation and cortification, and deeming it necessary in the national

hereby vests in the Alien Property Custodian the property described above, to be paid, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Allen Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated

enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 8, 1944.

[SEAL]

James E. Markham, Alien Property Custodian.

[F. R. Doc. 44-13165; Filed, August 30, 1944; 10:14 a. m.]

# [Vesting Order 4004]

N. V. ELECTRICITATS-MAATSCHAPPIJ, ET AL.

In re: Interests of N. V. Electricitats-Maatschappij "Electrostoom," N. V. Ramie Union and F. M. Van Gelderen in agreements with Ideal Commutator Dresser Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That N. V. Electricitats-Maatschappij "Electrostoom" and N. V. Ramie Union are business organizations existing under the laws of The Netherlands and are nationals of a foreign country (Netherlands);
2. That F. M. Van Gelderen is a resident of

The Netherlands and is a national of a foreign

country (Netherlands);

3. That the property described in subparagraph 5 (a) hereof is property of F. M. Van Gelderen and N. V. Ramie Union;

4. That the property described in subparagraph 5 (b) hereof is property of N. V. Electricitats-Maatschappij "Electrostoom"; 5. That the property described as follows: (a) All interests and rights (including all

b. That the property described as follows:

(a) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in F. M. Van Gelderen and N. V. Ramie Union, and each of them, by virtue of an agreement dated August 1, 1931 (including all modifications thereof and supplements thereto, if any) by and between N. V. Ramie Union, F. M. Van Gelderen, and Ideal Commutator Dresser Company, which agreement relates, among other things, to United States Letters Patent No. 1,678,752,

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in N. V. Electricitats-Maatschappij "Electrostoom" by virtue of an agreement dated February 1, 1927 (including all modifications thereof and supplements thereto, including, but not by way of limitation, an undated document entitled "Supplemental and Amendatory Agreement" between the parties named below) by and between N. V. Electricitats-Maatschappij "Electrostoom" and Ideal Commutator Dresser Company, which agreement relates, among other things, to United States Letters Patent Nos. 1,700,985 and 1,933,555,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Netherlands);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest.

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 8, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13166; Filed, August 30, 1944; 10:14 a. m.]

## [Vesting Order No. 4005]

Manfred Christian and Argus Motoren Gesellschaft m. b. H.

In re: Interests of Manfred Christian and Argus Motoren Gesellschaft m. b. H. in certain United States Patents and Interests of Argus Motoren Gesellschaft m. b. H. in an agreement with Hans Reissner.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Manfred Christian is a citizen and resident of Germany and is a national of a foreign country (Germany);

2. That Argus Motoren Gecellechaft m. b. H. is a corporation organized under the laws of Germany and is a national of a foreign country (Germany);

3. That the property described in subparagraph 5 (a) hereof is property of Manfred Christian:

4. That the property described in subparagraph 5 (b) and 5 (c) hereof is property of Argus Motoren Gesellschaft m. b. H.;

5. That the property described as follows:
(a) An undivided one-half interest which stands of record in the United States Patent Office in the name of Manfred Christian, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor and Title

2,275,053; 3-3-42; H. Relesner and M. Christian; Variable pitch propeller for alreraft; including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, to which the owner of such interest is entitled,

(b) All right, title and interest of Argus Motoren Gesellschaft m. b. H. in and to the United States Letters Patent

Patent No., Date of Issue, Inventor and Title 2,140,718; 12-20-38; H. Reissner; Adjustable propeller;

2,275,053; 3-3-42; H. Reissner and M. Christian; Variable pitch propeller for aircraft:

(c) All interests and rights (including all royalties and other monics payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Argus Motoren Gesellschaft m. b. H. by virtue of an agreement dated May 29, 1935 (including all modifications thereof and supplements thereto, and including, but without limitation, two supplemental agreements dated May 6, 1936 and July 12, 1938, respectively) by and between Argus Motoren-Gesellschaft m. b. H. and Professor Hans Reissner, which agreement relates, among other things, to United States Letters Patent No. 2,140,718,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national

interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 8, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13167; Filed, August 30, 1944; 10:15 a. m.]

# [Vesting Order 4006] Adalbert Müller and Theodor Stenzinger

In re: Interest of Adalbert Müller and Theodor Stenzinger in an agreement between Warwick Chemical Company and Chemische Fabrik Pfersee G. m. b. H.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

 That Adalbert Müller and Theodor Stenzinger are each citizens and residents of Germany and are nationals of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Adalbert Müller and Theodor Stenzinger:

3. That the property described as follows: All interest and rights (including all accrued royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) of Adalbert Müller and Theodor Stenzinger, and each of them, under an agreement dated June 25, 1935 (including all supplements thereto and modifications thereof, if any) by and between Warwick Chemical Company and Chemische Fabrik Pfersee G. m. b. H., which agreement relates, among other things, to United States Letters Patent No. 2,015,865,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by,

nationals of a foreign country (Germany);
And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national in-

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such

'Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 8, 1944.

[SEAL]

James E. Markham. Alien Property Custodian.

[F. R. Doc. 44-13168; Filed, August 30, 1944; 10:15 a. m.]

> [Vesting Order 4007] JOSEPH HEITNER

In re: Interest of Joseph Heitner in an agreement with Eugene J. Ther.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Joseph Heitner is a resident of Hungary and is a national of a foreign country (Hungary);

That the property described in subpara-

graph 3 hereof is property of Joseph Heitner; 3. That the property described as follows: All interest and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Joseph Heitner of Budapest, Hungary, by virtue of all agreements both oral and written (including all modifications thereof and supplements thereto, if any) by and between the said Joseph Heitner and Eugene J. Ther of Oak Park, Illinois, which agreements relate to United States Patent Application Serial No. 376,690 filed January 30, 1941, now Patent No. 2,326,941,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a na-

tional of a foreign country (Hungary);
And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national in-

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Allen Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 8, 1944.

[SEAL]

JAMES E. MARKHAM, Alien Property Custodian.

[F. R. Doc. 44-13169; Filed, August 80, 1944; 10:15 a. m.]

> [Vesting Order 4008] ALFRED WINKLER, ET AL.

In re: Patent and Interests of Alfred Winkler, Max Dunnebier and the Firm of Winkler & Dunnebier in Certain Agreements with Baltimore Paper Company.

Under the authority of the Trading with the Enemy Act, as amended, and

Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Alfred Winkler and Max Dunnebler are residents of Neuwicd, Germany, and are

nationals of a foreign country (Germany);
2. That the firm of Winkler & Dunnebler is a business organization existing under the laws of Germany and is a national of a

foreign country (Germany);
3. That the property identified in subparagraphs 4 (a) and 4 (b) hercof is property of Alfred Winkler and/or Max Dunnebier and/or the firm of Winkler & Dunnebler;

4. That the property described as follows:
(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventors, and Title

1,674,187; 6-19-28; Alfred Winkler and Max Dunnebler; Apparatus for withdrawing and folding sheets from a stack of sheets;

(b) All interests and rights (including all royalties and other monies payable or hold with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in the firm of Winkler & Dunnebler and/or Alfred Winkler and/or Max Dunnebler by virtue of agreements dated December 31, 1925, December 23, 1920 and November 23, 1931 (including all modifications thereof and supplements thereto, if any) between Alfred Winkler and Max Dunnebier, doing business as the firm of Winkler & Dunnebier, and Baltimore Paper Company, which agreements relate, among other things, to United States Letters Patent No. 1,774,536,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany):

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest.

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, valadity or right of allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 8, 1944.

JAMES E. MARKHAM, [SEAL] Alien Property Custodian.

[F. R. Doc. 44-13170; Filed, August 30, 1944; 10:15 a. m.]

# OFFICE OF DEFENSE TRANSPORTA-TION.

[Supp. Order ODT 3, Rev. 297] COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN LITTLE ROCK AND BENTON, ARK.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto

as Appendix 2,1 and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; It is hereby ordered, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in

conflict therewith.

- 2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.
- 3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a

diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved. the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carrier's possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Trans-

portation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of De-

fense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

- 8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.
- 9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective September 2, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as

the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 29th day of August 1944.

> J. M. Johnson, Director. Office of Defense Transportation.

Appendix 1

J. E. Howe, doing business as Howe Truck

Line, Benton, Ark. H. Q. Hamilton, Nell Sims and Roy C. Martin, doing business as Motor Express, Fort Smith, Ark.

[P. R. Doc. 44-13062; Filed, August 29, 1944; 10:28 a. m.]

# OFFICE OF PRICE ADMINISTRATION.

[R. O. 17, Administrative Order 25]

GRIMSRUD HANSON COMPANY

Administrative Exception Order No. 25 under Ration Order 17.

The petitioner, Grimsrud Hanson Company, is a corporation engaged in the sale of shoes, whose principal business office is located at St. Paul, Minnesota. The petitioner sells shoes primarily through approximately 300 small independent retail outlets, such as country stores and shoe repair shops, which handle shoes as a side line in connection with the operation of some other business. In all cases the shoes are delivered to the retail outlet on a consignment basis, and each outlet agrees to handle shoes supplied exclusively by the petitioner.

Because the persons operating the retail outlets handle shoes only as a side line, many of them would not handle shoes unless they were given assistance by representatives of the supplier in preparing and presenting to the District Office the necessary applications, and in preparing and filing inventories, maintaining proper records, and generally in complying with the requirements of the Ration Order.

The outlets through which the petitioner sells shoes are located in Minnesota, Wisconsin, North Dakota, South Dakota, and Iowa and are all in OPA Region VI. To obtain efficient and uniform handling of all problems of the various outlets concerned, the petitioner seeks permission for all distributing establishments handling shoes supplied exclusively by the petitioner, on a consignment basis, to apply at a centrally located District Office for all relief which may be afforded under Ration Order 17.

The relief requested in this case may be granted in this and all similar cases without defeating or impairing the effectiveness or the policy of Ration Order 17.

It is hereby ordered, That each distributing establishment which is now or may be hereafter supplied with shoes, on a consignment basis, exclusively by the Grimsrud Hanson Company, be and hereby is authorized to apply for all relief afforded by Ration Order 17 to the St. Paul, Minnesota, District Office.

It is further ordered, That any establishment subject to this order which

Filed as part of the original document.

avails itself of the provisions thereof by making application to the St. Paul, Minnesota, District Office shall thereafter be subject to the jurisdiction of that District Office for all purposes of Ration Order 17 so long as it continues to receive its supply of shoes exclusively from the petitioner. However, the District Office serving the area in which a retail outlet is located shall have jurisdiction of that outlet for the purposes of enforcing Ration Order 17 and this exception order. No provision of this order shall be construed to relieve any such establishment of its duty to keep records required by Ration Order 17.

It is further ordered, That the Grimsrud Hanson Company shall file and maintain with each OPA District Office in which it has outlets, a current list of its distributing establishments located within the area served by such District

Issued and effective this 29th day of August 1944.

JEROME M. NEY,
Acting Assistant Deputy
Administrator in
Charge of Rationing.

[F. R. Doc. 44-13150; Filed, August 29, 1944; 5:02 p. m.]

[MPR 188, Order 7 Under Order 1052]

WEST COAST CHAIR CO.

#### ADJUSTMENT OF MAXIMUM PRICES

Order No. 7 under Order No. 1052 under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Adjustment of maximum prices for sales of wood household furniture manufactured by West Coast Chair Company.

For the reasons set forth in an opinion and issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos.

9250 and 9328, It is ordered:

(a) This order permits the manufacturer, West Coast Chair Company, 26th and East G Streets Tacoma, Washington, to adjust its maximum prices for sales of wood household furniture (as defined in Order No. 1052) established by Maximum Price Regulation No. 188 by the amount specified below. This order also authorizes purchasers for resale of these articles of wood household furniture to adjust their maximum prices by adding the dollar-and-cents amount of the adjustment granted the manufacturer by this order and for which they have become obligated.

(1) Manufacturer's maximum prices. West Coast Chair Company may adjust its maximum prices for sales and deliveries of wood household furniture (as defined in Order No. 1052) of its manufacture by an amount not to exceed 6% of its maximum prices for such sales as established in Order No. 1052. 'The

permitted adjustment of 6% may be made only if separately stated.

(2) Maximum prices of purchasers for resale. Any purchaser for resale of an article of wood household furniture for which the manufacturer's maximum price has been thus adjusted may add to his properly established maximum price, in effect immediately prior to the effective date of this order, the dollar-and-cents amount of the adjustment charge allowed by this Order No. 7 for which he has become obligated, provided the amount of such adjustment is separately stated on sales to persons other than ultimate consumers.

(b) At the time of or prior to the first invoice to each purchaser (other than an ultimate consumer) of an article covered by this order, the seller must furnish such purchaser with a written notice stating the number of this order and fully explaining its terms and conditions. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 30th day of August 1944.

Issued this 29th day of August 1944.

James G. Rogers, Jr., Acting Administrator.

[F. R. Doc. 44-13152; Filed, August 29, 1944; 5:03 p. m.]

#### [MPR 399, Order 5]

MODEL ICE BOXES PURCHASED FROM PRO-CUREMENT DIVISION, TREASURY DEPART-MENT

# ADJUSTMENT OF MAXIMUM PRICES

Order No. 5 under section 1 of Maximum Price Regulation No. 399. New ice boxes. Approval of maximum prices for resales of one model ice box purchased from Procurement Division, Treasury Department.

For the reasons set forth in an opinion issued simultaneously herewith as filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942 as amended, and Executive Orders Nos. 9250 and 9328, and in accordance with section 1 of Maximum Price Regulation No. 399, It is ordered:

(a) This order established maximum prices for all sales at retail and wholesale of the ice boxes purchased by successful bidders from Procurement Division, Treasury Department, which are described as follows:

Manufacturer: McKee Mfg. Corp., Cobleskill, N. Y.

Model number: F52. Rated ice capacity: 100 lbs. Food storage capacity: 6 cu. ft.

(1) For all sales at retail by ice companies and retail establishments controlled by ice companies, the maximum price shall be \$97.50 each.

(2) For all other sales at retail, the maximum price shall be \$104.50 each.

(3) For all sales at wholesale the maximum price shall be 62½% of the maximum retail price set forth in (2) above, or \$65.31 each. This price is f. o. b. seller's city.

(4) The successful bidder may add to the maximum prices established by this order no more than the actual transportation cost for the refrigerator by the most economical means from the warehouse of Procurement Division, Treasury Department, to his city, provided he separately states the transportation charge on his invoice. Any other seller may add to the maximum price established by this order for his sales, no more than the transportation charge which he was required to pay to his supplier, provided such extra charge is separately stated. No other transportation charges may be added to the maximum prices established by this order.

(5) Prices lower than the maximum prices may be charged and paid.

(b) At the time of or prior to the first invoice to each purchaser for resale, the original successful bidder, and every wholesaler must notify the purchaser for resale, in writing, of the maximum prices established by this order for resales by the purchaser. This notice may be given in any convenient form.

(c) No person may offer for sale, sell, or deliver an ice box covered by this order, at retail, unless there is securely attached thereto a retail ceiling price tag setting forth, in dollars and cents, the maximum price established by this order for sales at retail of the particular ice box. A tag in the following form is sufficient.

OPA base retail ceiling price Transportation charge	
ODA ammunus a salatura sustan	
OPA approved ceiling price	<b><i><u>Quantum</u></i></b>

This tag may not be removed before delivery to the purchaser.

(d) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective August 30, 1944.

Issued this 29th day of August 1944.

James G. Rogers, Jr., Acting Administrator.

[F. R. Doc. 44-13151; Filed, August 29, 1944; 5:03 p. m.]

Regional and District Office Orders. [Region III Order G-2 Under MPR 280, Amdt. 2]

## FLUID MILK IN CLEVELAND REGION

Amendment No. 2 to Order No. G-2 under Maximum Price Regulation No. 280. Maximum prices for specific food products. Fixing the maximum prices for milk sold in the States of Indiana (except Lake County), Kentucky, Michigan, Ohio and West Virginia.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration, by § 1351.817a of Maximum Price Regulation No. 280, It is hereby ordered:

1. That subsection (1) of section (b) of Order No. G-2 under Maximum Price Regulation No. 280, as amended, be, and the same is hereby amended to read as follows:

(1) Primary handlers. Subject to the limitations set forth in subsection (4) hereof, the maximum price at which a primary handler may sell such fluid milk shall be determined as follows:

(i) The purchase price of said milk adjusted by the required butterfat differential set forth in subsection (3) hereof,

plus

(ii) A handling charge not exceeding 45 cents per cwt. exclusive of standardization, pasteurization, and transportation charges hereinafter set forth, when such milk is delivered into containers of a capacity greater than 10 gallons, including tank trucks, or tank cars, or

(iii) A handling charge not exceeding. 50 cents per cwt. exclusive of standardization, pasteurization, and transportation charges hereinafter set forth, when such milk is delivered into containers of 10 gallons capacity or less, provided by

the purchaser, or

- (iv) A handling charge not exceeding 55 cents per cwt. exclusive 8f standardization, pasteurization and transportation charges hereinafter set forth, when such milk is delivered into containers of 10 gallons capacity or less provided by the seller.
- That subsection (3) of section (b) of said order be, and the same is hereby amended to read as follows:
- (3) The following butterfat differential shall be applicable only in the event the butterfat content of milk sold by a handler varies from the butterfat content of said milk at the time of the purchase:
- (i) For each one tenth of 1% by which the butterfat content is increased on resale, 6 cents may be added.
- (ii) For each one tenth of 1% by which the butterfat content is decreased on resale, 5 cents shall be deducted.
- 3. That subsection (4) of section (b) of said order be, and the same is hereby amended to read as follows:
- (4) Provided, however, That in no event shall the total of all handling charges, exclusive of standardization, pasteurization and transportation charges hereinafter set forth, exceed 65 cents per cwt. for milk delivered into containers of a capacity greater than 10 gallons including tank trucks or tank cars, 70 cents per cwt. for milk delivered into containers of 10 gallons capacity or less provided by the purchaser or 75 cents per cwt. for milk delivered into

containers of 10 gallons capacity or less provided by the seller, nor shall the maximum price, exclusive of such charges, for any fluid mill: sold by either a primary or secondary handler, exceed the following:

Butterfat content	Delivered into centainers of more than 10 gallen copes- ity, including tank trucks and tank cars.	Delivered into hayer's con- tainers of 10 gallan especity or lies.	Delivered into celler's con- tainers of 10 gallon expectly or less.
3.5 percent Less than 3.5 percent More than 3.5 percent.	percent under 3.5 percent butterfat content.	exco.  \$3.00 from 66 for each 160 of 1 percent until 2.5 percent butterfol content.  \$3.00 plus 66 for each 160 of 1 percent over 3.5 percent butterfol content.	\$3.53. \$3.95 less & for each Mo of 1 percent under 2.5 percent butterfut content. \$3.95 plus & for each Mo of 1 percent over 3.5 percent butterfut content.

This Amendment No. 2 to Order No. G-2 under Maximum Price Regulation No. 280 shall become effective August 21, 1944.

(56 Stat. 23, 765, 57 Stat. 566, Pub. Laws 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued August 21, 1944.

BIRKETT L. WILLIAMS, Regional Administrator.

[F. R. Doc. 44-13122; Filed, August 29, 1944; 12:29 p. m.]

[Region III Order G-22 Under MPR 329, Amdt. 1]

FLUID MILK IN DESIGNATED COUNTIES IN INDIANA

Amendment No. 1 to Order No. G-22 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk, Counties of De Kalb, Dubois, Lagrange, Montgomery, Noble, Ohio, Orange, Perry, Posey, Randolph, Steuben, Washington and Whitley, all in the State of Indiana.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1351.408 (b) and (c) of Maximum Price Regulation No. 329, It is hereby ordered, That:

- 1. Section (b) of Order No. G-22 under Maximum Price Regulation No. 329 (purchases of milk from producers for resale as fluid milk) be, and the same is hereby amended to read as follows:
- (b) (1) Any milk distributor in the Counties of Ohio, Orange, Perry, Posey and Washington in the State of Indiana may pay producers for "milk" an amount not to exceed \$3.20 per cwt. f. o. b. plant for "milk" of 4% butterfat content, plus or minus 5 cents for each one tenth of one percent butterfat variation over or under 4%: Provided, however, That such milk distributors shall be subject to the express restrictions of § 1351.402 (b) (c) (d) (e) and (f) of Maximum Price Regulation No. 329.
- (2) Any milk distributor in the County of Dubois in the State of Indiana may pay producers for "milk" an amount not to exceed \$3,20 per cwt. f. o. b. producer's farm for "milk" of 4% butterfat content, plus or minus 5 cents for each one tenth

of one percent butterfat variation over or under 4%: Provided, further, That such milk distributors shall be subject to the express restrictions of § 1351.402 (b) (c) (d) (e) and (f) of Maximum Price Regulation No. 329.

This amendment shall become effective August 21, 1944.

(56 Stat. 23, 765; 57 Stat. 566, Pub. Laws 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued August 21, 1944.

C. J. Houser, Acting Regional Administrator.

[F. R. Doc. 44-13123; Filed. August 29, 1944; 12:32 p. m.]

[Region III Order G-23 Under MPR 329, Amdt. 1]

FLUID MILK IN DESIGNATED COUNTIES IN KENTUCKY

Amendment No. 1 to Order No. G-23 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1351.403 (a), (c) and (f) of Maximum Price Regulation No. 329, It is hereby ordered, That:

- 1. Section (a) of Order No. G-23 under Maximum Price Regulation No. 329 (purchases of milk from producers for resale as fluid milk) be, and the same is hereby amended to read as follows:
- (a) (1) Any "milk" distributor in the Counties of Allen, Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Fulton, Graves, Hickman, Hopkins, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Muehlenberg, Ohio, Simpson, Todd, Trigg, Union, Warren, and Webster in the State of Kentucky may pay to producers an amount not to exceed \$3.40 per cwt. for "milk" of 4% butterfat content, plus or minus 5 cents for each one tenth of one percent variation over or under 4%: Provided, That each such distributor shall be subject to the express limitations and restrictions of § 1351.402 (b) (c) (d) (e) and (f).
- (2) Any "milk" distributor in the County of Henderson in the State of Kentucky may pay to producers an

amount not to exceed \$3.63 per cwt. f. o. b. purchaser's receiving plant for "milk" produced in said county and state, of 4% butterfat content, plus or minus 5 cents for each one tenth of 1% variation over or under 4% butterfat content: Provided, That each such distributor shall be subject to the express limitations and restrictions of § 1351.402 (b) (c) (d) (e) and (f).

This amendment shall become effective August 21, 1943.

(56 Stat. 23, 765, 57 Stat. 566, Pub. Laws 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R 4681)

Issued August 21, 1944.

C. J. Houser, Acting Regional Administrator.

[F. R. Doc. 44-13124; Filed, August 29, 1944; 12:32 p. m.]

[Region III Order G-25 Under RMPR 122, Amdt. 1]

SOLID FUELS IN ANDERSON, IND.

Amendment No. 1 to Order No. G-25 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for specified solid fuels in the city of Anderson, Indiana.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, It is hereby ordered, That paragraph (ii) (A) (3) in section (c) be amended to read as follows:

Column I	Column II	Column III
8. Mine price classification D and lower	\$9.30	\$3.80

This Amendment No. 1 to Order No. G-25 under Revised Maximum Price Regulation No. 122 shall become effective August 22, 1944.

(56 Stat. 23, 765, 57 Stat. 566, Pub. Laws 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued August 22, 1944.

BIRKETT L. WILLIAMS, Regional Administrator.

[F. R. Doc. 44-13125; Filed, August 29, 1944; 12:30 p. m.]

[Region III Order G-32 Under MPR 329]

FLUID MILK IN FRANKLIN COUNTY, OHIO

Order No. G-32 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk. For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1351.408 (a) and (c) of Maximum Price Regulation No. 329, It is hereby ordered:

(a) Any "milk" distributor in Franklin County, Ohio may pay to producers the following quantity bonuses in addition to the maximum price permitted to be paid to producers for "milk" by the provisions of Order No. G-9 under Maximum Price Regulation No. 329, (Purchases of milk from producers for resale as fluid milk) issued by the Regional Administrator of Region III on September 15, 1943:

Daily av	erage delivery:	on all milk del	ivered
100#	to 199#		\$0.10
200#	to 299#		. 15
300#	to 399#		.20
400#	or more		. 25

Bonus per cwt.

- (b) Each milk distributor increasing his price to producers for "milk" pursuant to the provisions of this order shall, within five days of such action, notify the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio, by letter or postcard, of his price established pursuant to the provisions of this order, together with a statement of his previous price.
- (c) Definitions. (1) "Milk distributor" is defined to mean any individual, corporation, partnership, association, or any other organized group of persons or successors of the foregoing who purchases "milk" in a raw and unprocessed state for the purpose of resale as fluid milk in glass, paper or other containers.
- (2) "Producer" means a farmer, or other person or representative, who owns, superintends, manages, or otherwise controls the operations of a farm on which "milk" is produced. For the purposes of this order, farmers' cooperatives are producers when (1) they do not own or lease physical facilities for receiving, processing, or distributing milk, and (2) they do own or lease physical facilities for receiving, processing or distributing milk, but they act as selling agents for producers, whether members of such cooperative or not.
- (3) "Milk" means liquid cow's milk in a raw, unprocessed state, which is pur-'chased for resale for human consumption as fluid milk. "In a raw, unprocessed state" means unpasteurized and not sold and delivered in glass or paper containers.
- (d) The provisions of this order shall terminate on December 31, 1944, unless revoked prior to said date.

This order shall become effective August 24, 1944.

(56 Stat. 23, 765, 57 Stat. 566, Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued August 24, 1944.

BIRKETT L. WILLIAMS, Regional Administrator.

[F. R. Doc. 44-13126; Filed, August 29, 1944; 12:30 p. m.]

[Region III Order G-52 Under RMPR 122] SOLID FUELS IN LANCASTER, OHIO, AREA

Order No. G-52 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for specified solid fuels in the Lancaster, Ohio, Area.

For the reasons stated in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by \$1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

- (a) What this order does. This order establishes maximum prices for sales of specified solid fuels made within the corporate limits of the City of Lancaster in the State of Ohio and all territory within one mile of said corporate limits. These are the highest prices that any dealer may charge when he delivers such fuel at or to a point within the corporate limits of the City of Lancaster in the State of Ohio, and at or to any point within one mile of the said corporate limits; and they are also the highest prices that any buyer in the course of trade or business may pay for them.
- (b) What this order prohibits. Regardless of any obligation, no person shall:
- (1) Sell or, in the course of trade orbusiness, buy solid fuels at prices higher than the maximum prices set by this Order No. G-52; but less than maximum prices may at any time be charged, paid or offered;
  - (2) Obtain a higher ceiling price by:
- (i) Charging a price higher than the scheduled price for a service or making a charge for a service not authorized by this order:
- (ii) Making a charge higher than the scheduled charge authorized for the extension of credit:
- (iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly.
- (iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with the requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.
- (c) Schedule for sales of coal. This schedule sets forth maximum prices for cash or credit sales of specified sizes,

kinds and quantities of solid fuels. Column I describes the coal for which prices are established; Column II shows maximum prices for sales on a "direct

delivery" basis; Column III shows maximum prices for "yard sales" to dealers reselling coal and to consumers. prices are for sales on a net ton basis.

Column I	Celumn II	Celumn III
I. High Volatile Bituminous Coals from Producing District No. 8 (castern Kentucky, southern West Virginia, western Virginia and northeastern Tennessee) (excluding Mine Index No. 439.)¹  A. Lump, Size Group No. 2 (larger than 5" but not exceeding 5"):  1. Mine Price Classifications G through K.  2. Mine Price Classification O.  B. Egg:  1. Size Group No. 4 (top size larger than 6" x bottom size larger than 2" but not exceeding 3") Mine Price Classifications L through N.  2. Size Group No. 5 (top size larger than 5" but not exceeding 6" x bottom size larger than 2" but not exceeding 3"; top size larger than 5" but not exceeding 6" x bottom size 2" and smaller) Mine Price Classifications B through E.  G. To the prices stated in Sections A and B may be added \$9.15 per ten provided the coal is mined in Sub-district 6 includes that portion of District 8 which is in northern Tennessee and the following counties in Kentucky: Bell, Clay, Clinton, Jackson, Knox, Laurel, Leslie, Madison, McCreary, Oweley, Puleski, Rockcastle, Wayne and Whitley.  II. High Volatile Lump Coals from Producing District No. 4 (Ohlo) Size Group No. 2 (larger than 2" but not exceeding 5"):  A. From the Hocking Freight Origin District.  B. From the Crooksy'lle Freight Origin District.	1	5.00 7.00 5.00 5.00

<sup>1</sup> In accordance with Regional Supplementary Order No. 3, \$0.10 per ten may be added to the prices of these scals if the coal has been subjected to an oil or calcium chloride treatment by the producer to alloy duct exprevent freezing and if such charge is separately stated on the dealers invoice.

All terms used herein to describe size, volatility and producing district are those established and defined by the Bituminous Coal Division and in effect as of midnight, August 23, 1943.

(d) The maximum prices for all sales by dealers of solid fuel not provided for by this Order No. G-52 shall be the maximum prices established by Revised Maximum Price Regulation No. 122.

(e) Schedule of service and credit charges. This schedule sets forth maximum prices which a dealer may charge for special services rendered in connection with all sales under paragraph (c). These charges may be made only if the buyer requests such service of the dealer and only when the dealer renders such service. Every service charge shall be separately stated in the dealer's invoice. Wheel-in and carry from curb\_ \$0.75 per ton.

The transportation tax. The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order, provided the dealer states it separately from the price on his invoice or statement.

(g) Addition of increase in suppliers prices prohibited. The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereon; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Regional Administrator.

(h) Petitions for amendment. Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with the Regional Administrator and acted upon by him.

(i) Applicability of other regulations. Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72, effective October 1, 1943.

(j) Right of amendment or revocation. The Regional Administrator or Price Administrator may amend, revoke, or rescind this order, or any provision thereof, at any time.

(k) Records. Every dealer subject to this order shall preserve, keep, and make available for examination by the Office of Price Administration, the same records he was required to preserve and keep under § 1340.262 (a) and (b) of Regulation No. 122.

(1) Posting of maximum prices; sales slips. (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this order need be made by any dealer under § 1340.262 (c) of Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing; the date of the sale, the name and address of the dealer and of the buyer, the kind, size, and quantity of the solid fuel sold, the price charged and separately stating any item which is required to be separately stated by this order.

(m) Enforcement. (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, pro-vided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Columbus District Office of the Office of Price Administra-

(n) Definitions and explanations. (1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase", and "purchaser" shall be con-

strued accordingly.
(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

(5) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other

than his truck.

(6) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122, as amended, shall apply to terms used herein, and in full force and effect.

(o) Applicability of this order. To the extent applicable, the provisions of this order supersede Revised Maximum

Price Regulation No. 122.

Note: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-52 under Revised Maximum Price Regulation No. 122 shall become effective September 5, 1944.

(56 Stat. 23, 765, 57 Stat. 566, Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued August 22, 1944.

BIRKETT L. WILLIAMS. Regional Administrator.

[F. R. Doc. 44-13127; Filed, August 29, 1944; 12:30 p. m.]

[San Francisco Order 1 Under Restaurant MPR 2]

POSTING REQUIREMENTS IN SAN FRANCISCO. CALIF., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the San Francisco District Office of the Office of Price Administration by section 16 of Restaurant Maximum Price Regulation No. 2, it is hereby ordered:

Section 1. Posting requirements. If you own or operate an eating or drinking establishment, you must, on or before August 16, 1944, show on a poster to be supplied by the Office of Price Administration, your lawful ceiling prices for 40 food items, and meals, as set forth in this order.

(a) First list on the poster as many of the food items and meals listed in Appendix A of this order, as you offer for sale and your ceiling prices for each. You will find in Appendix A several tables of food items and meals, choose the table most applicable to your establishment.

(b) If you do not offer all the 40 items listed in the applicable table in Appendix A, list first those which you do offer, placing them on the poster in the order in which they appear in Appendix A. Then add as many other items which you usually offer to bring the total number to 40, with your ceiling price for each item.

(c) If you do not offer as many as 40 items, place on the poster all the items which you do offer and your ceiling price for each.

(d) List a la carte items first. In listing meals, list the entree and then indicate the type of meal, for example, steak dinner, leg of lamb dinner, filet of sole lunch vegetable plate luncheon.

lunch, vegetable plate luncheon.

(e) The list of individual items may be printed or hand lettered in ink on the poster in letters large enough so that it can be easily read by your customers.

(f) You must place the poster near the main entrance of your establishment, or in a conspicuous place so that it will be plainly visible to your customers.

SEC. 2. Filing of lists of posted prices. When you have made up the list of food items and meals to be posted and your lawful ceiling price for each, you must make three copies of this list, and send or deliver it to your local War Price and Rationing Board on or before August 21, 1944. Each copy must be clear and legible, dated and signed by the owner or manager of your establishment, with the name and address of the establishment following the signature.

The War Price and Rationing Board shall check this list with your filed ceiling prices. If the prices check, the Board shall make a notation to this effect on one copy of the list and return it to you. You shall keep this copy in your establishment, and make it available for examination by any person during business hours.

If the prices on your list do not completely check with your filed ceiling prices, the Board will call you in for a conference, so that corrections can be made.

SEC. 3. Replacement of posters. If a poster is mutilated or becomes badly soiled or otherwise damaged, it must be replaced by a new one which may be obtained from your War Price and Rationing Board upon presentation of the damaged poster. Erasures or changes of prices listed on the poster are prohibited. The new poster must be filled out exactly like the old one.

Large establishments may receive extra posters.

Sec. 4. Geographical applicability. The provisions of this order extend to all eating and drinking establishments located within the San Francisco District of the Office of Price Administration.

Sec. 5. Exemptions. All establishments which are exempted from the provisions of Restaurant Maximum Price Regulation No. 2 are exempted from this order.

This order shall become effective August 9, 1944.

Note: The reporting and record-keeping provisions of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 2d day of August 1944.

ROBERT B. PARKS, Acting District Director.

Appendix A—List #1—Restaurants & Hotels

Orange juice. Tomato juice. Fruit cocktail. Crab cocktail. Tomato soup. Prunes. Toest. Waffle. Dry cereal with cream. Baked ham. Roast pork. Roast turkey. Frankfurters. Swiss steak. Sea bass. Corn beef hash. Lamb chops. Veal cutlet. Spaghetti. Smoked Alaska cod. Vegetable plate. Assorted cold meats. Baked beans. Spanish omelette. Ham & eggs. Egg sandwich. Chicken sandwich. Bacon & tomato sandwich. French fried potatoes. Potato salad. Grapefruit & avocado salad. Ice cream. Cake. Pie. Custard. Club breakfast (juice, 2 eggs, toast, and coffee). Lunch (spaghetti & meat balls). Dinner (roast chicken). Coffee. Milk.

LIST #2-NIGHT CLUBS

Lettuce or.romaine salad.
Combination salad.
Shrimp salad.
Crab Louis.
Alligator pear salad.
Chicken salad.
Hearts of celery.
Canape of anchovies.
Tomato or clam juice.
Shrimp or crab cocktail.
Cracked crab.
Oysters—half shell.
Onion soup.

Tomato soup. Soup maritata & vermicelli. Consomme-soup du jour. Half broiled or fried chicken. Chicken saute sec-mushrooms or artichokes. Scaloppine a la marsala. Lamb chops (2). Sirloin New York cut. Filet mignon. Frog legs peulette. Spaghetti Caruso, Baked lobster thermidor, Cream chicken Raphael Weill. Chicken liver brouchette. Welsh rarebit. Ravioli Genovese. Spaghetti Italian. Ham or bacon & eggs with potatoes. Boneless squab en casserole, rice. Assorted cold meats—potato salad. Chicken or turkey sandwich. Club house sandwich. Monte Cristo sandwich.
String beans or new peas.
Au gratin or cottage Irled potatoes. Coffee.,

# List #3—Fish Speciality

Crab cocktail. Shrimp cocktail. Tomato stuffed with fresh crab or shrimp. Lobster louie. Mixed green salad bowl, french dressing. Rock cod chioppino with crab, clams & prawns. Fresh crab a la newburg en casserole. Broiled salmon or halibut, butter sauce. Sand dabs or rex sole, meuniere. Cracked crab. Fried fresh monterey abalone steak, Fried eastern scallops. Cold prawns in shell, Olympia oyster fry. Lobster thermidor. Broiled lobster. Fresh crab curry with rice. Baked deviled crab. Creamed crab meat on toast. Lobster a la newburg. Chef's combination fried sea food plato. Eastern oyster hangtown fry. Brolled fresh swordfish steak. Broiled rainbow trout. Filet of sole. Bouillabaisse. New York steak. Broiled chicken. Lamb chops. Broiled select eastern oysters with bacon, Brolled sea bass steak, maitre d'hotel, Fresh green peas, string beans or spinach. Shoestring or french fried potatoes. Fresh crab meat sandwich. Steamed clams, plain or bordelaise. Fried fresh white baits. Fried jumbo prawns, meuniere. Monterey cheese. Coffee. Milk.

List #4—Special Group & Foreign

Minestrone.
Chicken soup.
Sirloin steak.
Tenderloin steak.
Chopped tenderloin.
Mixed grill kidney.
Baked ham.
Veal scalloped.
Cheese souffle.
Lobster thermidor.
Brolled lobster,
Brook trout.
Deviled crab.
Veal cutlet.
Chicken pie.

Omelet palachinken. Spaghetti. Fruit salad. Combination salad. Pineapple cottage cheese salad. Crab or shrimp salad. Shrimp or crab cocktail. Tamales. Don far gung (soup). Ngow yuke chow mein. Wa mein-noodles. Foo yong gai. Bok shoy yoke. Li hong jang chop suey. Ngow yuke chop suey. Rice bok fan. Rice gai chow fan. Rice cha sui chow fan. Cha sui. Won ton. Jow har look. How yow ngow yuke. French pastry. Coffee. Milk.

. [F. R. Doc. 44-13121; Filed, August 29, 1944; 12:28 p. m.]

[Shreveport Order 1 Under Restaurant MPR 2] POSTING REQUIREMENTS IN SHREVEPORT, LA., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Shreveport District Office of the Office of Price Administration by section 16 of Restaurant Maximum Price Regulation No. 2, it is hereby ordered:

Section 1. Posting requirements. If you own or operate an eating or drinking establishment, you must, on or before August 16, 1944, show on a poster to be supplied by the Office of Price Administration, your lawful ceiling prices for 40 food items, and meals, as set forth in this

(a) First list on the poster as many of the food items and meals listed in Appendix A of this order, as you offer for sale and your ceiling prices for each. If you find in Appendix A several tables of food items and meals, choose the table most applicable to your establishment.

(b) If you do not offer all the 40 items listed in the applicable table in Appendix A, list first those which you do offer, placing them on the poster in the order in which they appear in Appendix A. Then add as many other items which you usually offer to bring the total number to 40, with your ceiling price for each item.

(c) If you do not offer as many as 40 items, place on the poster all the items which you do offer and your ceiling price

(d) List a la carte items first. In listing meals, list the entree and then indicate the type of meal, for example, steak dinner, leg of lamb dinner, filet of sole lunch, vegetable plate luncheon.

(e) The list of individual items may be printed or hand lettered in ink on the poster in letters large enough so that it can be easily read by your customers.

(f) You must place the poster near the main entrance of your establishment, or in a conspicuous place so that it will be plainly visible to your customers.

Sec. 2. Filing of lists of posted prices. When you have made up the list of food items and meals to be posted and your lawful ceiling price for each, you must make three copies of this list, and send or deliver it to your local War Price and Rationing Board on or before August 21, 1944. Each copy must be clear and legible, dated and signed by the owner or manager of your establishment, with the name and address of the establishment following the signature.

The War Price and Rationing Board shall check this list with your filed ceiling prices. If the prices check, the Board shall make a notation to this effect on one copy of the list and return it to you. You shall keep this copy in your estabment, and make it available for examination by any person during business hours.

If the prices on your list do not com-pletely check with your filed ceiling prices, the Board will call you in for a conference, so that corrections can be

Sec. 3. Replacement of posters. If a poster is mutilated or becomes badly soiled or otherwise damaged, it must be replaced by a new one which may be obtained from your War Price and Rationing Board upon presentation of the damaged poster. Erasures or changes of prices listed on the poster are prohibited. The new poster must be filled out exactly like the old one. Large establishments may receive extra posters.

Sec. 4. Geographical applicability. The provisions of this order extend to all eating and drinking establishments located within the Shreveport, Louisiana District of the Office of Price Administra-

Sec. 5. Exemptions: All establishments which are exempted from the provisions of Restaurant Maximum Price Regulation No. 2 are exempted from the order.

This order shall become effective August 9, 1944.

Note: The reporting and record-liceping provisions of this Order No. 1 under Restaurant Maximum Price Regulation No. 2 have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of August 1944.

J. E. BRUMFIELD, District Director.

APPENDIX A-THE 40 BASIC FOOD ITEMS

Fruit and vegetable juices:

1. Orange.

2. Tomato.
Pie, doughnuts, etc.:
3. Buttered toast.

4. Apple pie. Breakfast items:

5. Dry cereal with milk.

6. Two eggs, toast and coffco.

Ham, bacon or sausage, one egg, teast and coffee.

8. Ham, bacon or sausage, two eggs, toast and coffee.

9. Ham and egg

Two eggs fried.

11. Egg omelet.

12. Hot cakes.

Waffles.

Soups, etc.: 14. Soup.

Luncheon and dinner items a la carte:

16. Roast beef.

16. Hamburger steak.

17. Liver and onions, or bacon.

18. Creamed chicken.

19. Fried chicken. 20. Tenderloin of trout.

21. Baked red snapper.

Noon luncheon-two most popular lunchcons:

22.	Soup or appetizer		
23.	No. of veg.		Dessert
Pront	ng dinner—two m	oct namilar	

vening dinner—two most popular: 24				
	Soup or appetizer		Entree	
25.	No. of veg.		Dessert	
20.	~~~~~~~~~~			

Sandwiches:

26. Ham.

27. American cheese.

23. Hamburger.

29. Chicken calad.

30. Bacon and tomato. 31. Hot beef candwich with potatoes and

gravy. Drinks:

32. Coffee.

33. Iced tea. 34. Mill:.

Steaks:

35. T-kone. 36. Sirloin.

37. Tenderloin.

38. Perk chop.

39. Vcal cutlet.

40. Ham steak.

[F. R. Doc. 44-13120; Filed, August 29, 1944; 12:27 p. m.]

SECURITIES AND EXCHANGE COM-MISSION.

IFAe Nos. 70-930, 70-9341

NIAGARA HUDSON POWER CORP., ET AL.

NOTICE OF FILING OF AMENDMENT TO APPLI-CATION-DECLARATION AND ORDER RECON-VEHILIG HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania on the 26th day of August, 1944.

In the matters of Niagara Hudson Power Corporation; New York Power and Light Corporation, Hudson Valley Fuel Corporation, File No. 70-930; New York Power and Light Corporation, Niagara Hudson Power Corporation, File No. 70-934.

Notice is hereby given that Niagara Hudson Power Corporation (Niagara Hudson), a subsidiary of The United Corporation, a registered holding company and New York Power and Light Corporation (New York Power), a subsidiary of Niagara Hudson, have filed an amendment to the applications and declarations heretofore submitted pursuant to the Public Utility Holding Company Act of 1935:

All interested persons are referred to said amendment on file in the offices of the Commission for a statement of the transactions now proposed which may be summarized as follows:

Under the applications and declarations as heretofore filed and as more fully set forth in Holding Company Act Release No. 5203, New York Power proposed to refinance its outstanding 240,727 shares of Cumulative Preferred stock (7% and \$6 series) by offering the holders of such stock an opportunity to exchange each share of stock held for one share of \$100 par value cumulative preferred stock with a dividend rate not in excess of 5% per annum, plus a cash payment in an amount representing the difference between the redemption price of the stocks outstanding and the offering price of the new cumulative preferred stock.

Under the provisions of the amendment to said application-declaration, New York Power now proposes to offer at competitive bidding 240,000 shares of new cumulative preferred stock with a par value of \$100 per share, the dividend rate to be not in excess of 5% per annum, such shares to be sold for cash at not less than the par value thereof.

New York Power proposes to use the proceeds from the sale of such shares, together with treasury cash, for the redemption of its 7% and \$6 preferred stock at the redemption price (\$115 per share for the 7% and \$105 per share for the \$6 preferred stock).

A hearing having been held on August 24, 1944 with respect to the applications and declarations as heretofore proposed and said amendment having been filed at the hearing, and the Commission deeming it appropriate that a further hearing be held with respect to the amendment filed herein; and

It further appearing to the Commission that it is appropriate that the hearings be reconvened for the purpose of affording an opportunity to any interested person, who may so desire, to appear and be heard with respect to said amendments:

It is hereby ordered, That the hearings upon said applications and declarations and amendments thereto be reconvened on September 19, 1944, at 11 a. m., e. w. t. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the hearing room clerk in Room 318.

It is further ordered, That Henry C. Lank, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That notice of said hearing be given to applicants-declarants and to the New York Public Service Commission by mailing a copy of this notice and order forthwith by registered mail, and that notice be given to all other persons by a general release of this Commission and distributed to the press and mailed to the mailing list for releases under the act, and by publication of this notice and order in the Federal Register.

It is further ordered, That any person desiring leave to be heard, or otherwise wishing to participate in this proceeding,

shall notify this Commission on or before September 14, 1944 in the manner provided by Rule XVII of the Commission's rules and practice.

By the Commission.

SEAL] ORVAL L. DuBois, Secretary.

[F. R. Doc. 44-13118; Filed, August 29, 1944; 12:27 p. m.]

#### [File No. 70-812]

CONSOLIDATED ELECTRIC AND GAS CO. AND CENTRAL ILLINOIS ELECTRIC AND GAS CO.

ORDER RELEASING JURISDICTION OVER FINANCIAL FEES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of August, 1944.

The Commission by order dated February 4, 1944 and by a supplemental order dated February 18, 1944, having in the above entitled matter approved a plan submitted by Consolidated Electric and Gas Company, providing for the sale through competitive bidding of the common stock of its subsidiary, Central Illinois Electric and Gas Company and the use of the proceeds to acquire certain debt securities of the parent company; said order of February 4, 1944, among other things, having reserved jurisdiction with respect to the payment of fees in the amount of \$20,000 for financial services rendered by Central Republic Company, Inc., of Chicago, Illinois, for Consolidated Electric and Gas Company in connection with adjustments of the property account of Central Illinois Electric and Gas Company and the reclassification of its common stock preparatory to the sale of such common stock to the public for approximately \$7,052,000; and

The record in the above entitled matter having been examined by the Commission; and it appearing to the Commission that under all the circumstances, the fee of \$20,000 is not unreasonable;

It is hereby ordered, That jurisdiction with respect to the payment of said fee be, and hereby is, released.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 44, 13153; Filed, August 30, 1944; 9:44 a. m.]

#### [File No. 70-906]

CENTRAL NEW YORK POWER CORP., ET AL. ORDER MODIFYING CONDITION AND GRANTING EXTENSION OF TIME

In the matter of Central New York-Power Corporation, Kanata Realty Company, Inc., and Northern Development Corporation: File No. 70–906.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of August 1944.

Applications and declarations having been filed with this Commission by Northern Development Corporation (Northern), Central New York Power Corporation (Central), and its subsidiary, Kanata Realty Company, Inc. (Kanata), the first two companies being subsidiaries of Niagara Hudson Power Corporation (Niagara Hudson), in turn a subsidiary of The United Corporation, a registered holding company, pursuant to the Public Utility Holding Company Act of 1935, regarding, among other things, the sale by Kanata and the acquisition by Northern and Central of certain land containing undeveloped water, dam and power sites; and

The Commission having by order dated June 28, 1944, granted the applications and permitted the declarations to become effective subject to the terms and conditions prescribed in Rule U-24, which rule provides in part that, unless otherwise requested, the transactions proposed be carried out within sixty days of the Commission's order granting the applications and permitting the declarations to become effective; and

The applicants-declarants having advised the Commission of their unexpected inability to consummate the proposed transactions within the sixtyday period provided by Rule U-24 due to pending litigation in respect of legal title to a small portion of land to be transferred by Kanata to Central; and having requested that the terms and conditions of said rule be modified to the extent necessary to extend the time within which the transactions as set forth in the application and declarations may be consummated; and the Commission deeming it appropriate that such request be granted;

It is ordered, That the terms and conditions contained in our order of June 28, 1944 (Holding Company Act Release No. 5131) be, and hereby are, modified to the extent necessary to extend the time within which such transactions may be consummated to November 1, 1944

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 44-13154; Flied, August 30, 1944; 9:44 a. m.]

[File No. 70-938]

NORTH AMERICAN CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of August 1944.

The North American Company, a registered holding company, has filed a declaration pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and Rules U-43 and U-44 of the general rules and regulations promulgated thereunder, regarding a proposal to pay a dividend on its common stock payable in the common stock of Pacific Gas and Electric Company having a par value of \$25 per share, owned by The North American Company, at the rate of one share of such stock of Pacific Gas

and Electric Company on each one hundred shares of the outstanding common stock of The North American Company. In lieu of certificates for fractions of shares of stock of Pacific Gas and Electric Company, cash will be paid at the rate of 33 cents for each 1/100th of a share of such stock of Pacific Gas and Electric Company, this rate being based on the approximate market price of \$33.00 per share as of July 28, 1944, the date the proposed dividend was declared.

Said declaration having been filed on the 1st day of August, 1944, and notice of filing having been duly given in the manner and form prescribed by Rule U-23 under said act and the Commission not having received a request for hearing with respect to said declaration within the period specified in such amended notice, or otherwise, and not having ordered a hearing thereon; and

The North American Company having requested that the Commission issue its order on or before August 28, 1944; and

The Commission finding that the requirements of section 12 (d) and Rules U-43 and U-44 are satisfied, that no adverse findings are necessary thereunder, and that action upon said declaration should be accelerated, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said declaration be and the same is hereby permitted to become effective forthwith.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 44-13155; Filed, August 30, 1944; 9:44 a. m.]

# WAR FOOD ADMINISTRATION.

Commodity Credit Corporation.

COTTONSEED PROCESSORS

NOTICE WITH RESPECT TO U. S. STANDARD GRADES AND PROCESSORS LIABILITY

AUGUST 28, 1944.

To All Cottonseed Processors:

Commodity Credit Corporation (hereinafter called "Commodity"), hereby notifies all processors with respect to Commodity's Offer to Cottonseed Processors, 1944 C. C. C. Cottonseed Form A, (9 F.R. 9340) as follows:

1. United States Standard Grades. Cottonseed purchased on a chemical grade basis as provided in section 2 (a) of the offer may be graded on the basis of "United States Standard Grades" as amended September 8, 1943, rather than on the basis of "United States Standard Grades" as amended July 18, 1939.

2. Processor's liability with respect to linters. The processor's liability with respect to linters stored for Commodity pursuant to section 3 (i) (2) of the offer shall not be held to extend to loss or damage caused solely by an act of God, except in the case of fire, lightning, windstorm, tornado or other risk normally insured against by the processor.

COMMODITY CREDIT CORPORATION. By J. B. HUTSON, President.

[F. R. Doc. 44-13185; Filed, August 30, 1944; 11:16 a. m.]

# WAR MANPOWER COMMISSION.

[G. O. 9, Amdt. 1]

PHILADELPHIA, PA.-CAMDEN, N. J., AREA MINIMUM WARTIME WORKWEEK

The designation of the Philadelphia, Pennsylvania-Camden, New Jersey, area, dated August 8, 1944 (9 F.R. 9299) as subject to Executive Order No. 9301 is hereby amended to read as follows:

By virtue of the authority vested in me as Regional Manpower Director of Region No. III by § 903.2 of War Manpower Commission on Regulation No. 3, "Minimum Wartime Workweek of 48 Hours," (8 F.R. 7225), and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate the Philadelphia, Pennsylvania-Camden, New Jersey, area as subject to the provisions of Executive Order No. 9301.

 For the purposes of this designation. the Philadelphia, Pennsylvania-Camden, New Jersey, area shall include:

In Pennsylvania: Philadelphia County; Delaware County; Bucks County; Chester County, excluding North Coventry Township, East Coventry Township, South Coventry Township, East Vincent Township, Spring City Borough; Montgomery County excluding Pottstown Borough, Lower Pottegrove Township, Royersford Borough, Upper Pottsville Township, Douglass Township, New Hanover Township, Red Hill Borough, Pennsburg Borough, Upper Hanover Township, East Greenville Borough, West Pottsville Town-ship, Perkiomen Township, Schwenksville Borough, Marlboro Township, Greenlane Borough, Upper Frederick Township, Lower Frederick Township.

In New Jersey: Checter Township, Cinna-mincon Township, Palmyra, Riverton, Moorestown Township in Burlington County; Audubon, Barrington, Bellmawr, Berlin Township, Berlin, Brooklawn, Camden, Clementon, Collingswood, Delaware Township, Gibbsboro, Gloucester City, Gloucester Township, Haddon Township, Haddonfield, Haddon Heights, Hi Nella, Laurel Spring, Lawnside, Linden-wold, Magnolia, Merchantville, Mount Ephriam, Oaklyn, Penncauken Township, Pine Hill, Pine Valley, Runnemede, Somer-dale, Stratford, Taylotock, Voorhees Townchip Woodlynne in Camden County, Glay-ton, Deptford Township, East Greenwich Township, Eli: Township, Franklin Townchip, in part (North of Newfield), Glassboro, Greenwich Township, Harrison Township, Logan Township, Mantua Township, Monroe Township in part (Williamstown and West), National Park, Paulsboro, Pitman, South Harricon Township, Swedeshoro, Washington Township, Wenonah, West Deptiord Township, Wcctville, Woodbury, Woodbury Heights, Woolwich Township, in Gloucester County.

- 2. The effective date of this designation is September 1, 1944 for all essential and locally needed establishments and October 1, 1944 for all other establishments.
- 3. Not later than the effective date, each employer in the Philadelphia, Pennsylvania-Camden, New Jersey, area shall, in accordance with War Manpower Commission Regulation No. 3:

(a) Extend to a minimum wartime workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any workers;

(b) If extension of the workweek of any of his workers to a minimum wartime workweek of 48 hours would involve the release of any workers, submit to the Area Manpower Director the number and occupational classification of the workers whose release would be involved, together with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State, or local law or regulation limiting hours of work.

Date of issuance: August 24, 1944.

FRANK L. MCNAMEE, Regional Director.

[P. R. Doc. 44-13171; Filed, August 30, 1944; 10:33 a. m.]